

THE CONSUMERS' GAS COMPANY } APPELLANT;  
 OF TORONTO (DEFENDANT)..... }

1926

\*Nov. 5.

\*Nov. 9.

AND

HIS MAJESTY THE KING, ON THE }  
 INFORMATION OF THE ATTORNEY GEN- } RESPONDENT.  
 ERAL OF CANADA (PLAINTIFF)..... }

ON APPEAL FROM THE EXCHEQUER COURT OF CANADA

*Negligence—Escape of gas during making of gas connections—Explosion and fire—Destruction of buildings—Responsibility—Inference from facts in evidence—Onus as to explanation of accident.*

APPEAL from judgment of Maclean J., President of the Exchequer Court of Canada (1), holding the appellant liable to the respondent in damages for the loss sustained by the respondent through the destruction by fire (following an explosion) on February 22, 1923, of certain buildings and contents located at Rosedale Heights in the city of Toronto, the accident being alleged to be due to negligence of the appellant's workmen or servants whilst installing gas connections into the buildings.

The appeal was heard by the Supreme Court of Canada on the 5th November, 1926, when judgment was re-

PRESENT:—Anglin C.J.C. and Duff, Mignault, Rinfret and Magee (*ad hoc*) JJ.

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served, and on the 9th November, 1926, the Chief Justice orally delivered the judgment of the Court as follows:

“Consideration of this case, in the light of the arguments addressed to us, has not satisfied us that we would be justified in interfering with the conclusion reached by the learned President of the Exchequer Court.

The appeal will, accordingly, be dismissed with costs.”

*W. N. Tilley K.C.* and *W. B. Milliken K.C.* for the appellant.

*R. S. Robertson K.C.* and *D. Henderson* for the respondent.

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