

VAN DYKE AND CO. v. HAINS.

1920

*Nov. 11.

*Nov. 12.

ON APPEAL FROM THE COURT OF KING'S BENCH, APPEAL
SIDE, PROVINCE OF QUEBEC.

*Workmen's Compensation Act—Industrial company—Pulp and paper
company—R.S.Q. (1909) Art. 7321.*

APPEAL from the judgment of the Court of King's Bench, appeal side, province of Quebec (1), affirming the judgment of the trial judge, Roy J., and maintaining the respondent's action.

The respondent's son was killed, while he was working for the appellant company. The respondent made a petition to be allowed to sue the appellant company under the "Workmen's Compensation Act." He then brought an action for \$2,500 against the appellant, and the trial judge gave judgment for that amount. Upon the appeal to the court of King's Bench, the appellant urged principally the ground that the respondent had neither alleged in his declaration nor proved at the trial that the appellant company was an industrial company and within the terms of section 7321 of the Revised Statute of Quebec. The Court of King's Bench dismissed the appeal.

The Supreme Court of Canada, after argument by the appellant's counsel and the respondent's counsel, submitting his case upon his factum, affirmed this judgment and dismissed the appeal with costs.

Appeal dismissed with costs.

L. A. Cameron K.C. for the appellant.

Maurice Rousseau K.C. for the respondent.

*PRESENT:—Sir Louis Davies C.J. and Idington, Duff, Anglin, Brodeur and Mignault JJ.

(1) Q.R. 29 K.B. 460.