

plaintiff was injured by this machine it was due to his own imprudence, not by reason of or in the course of his work; on the contrary, acting against the will and the warnings of the defendant.

The Court dismissed the action for the following reasons:

“Considering that the defendant who is a dyer had at his establishment at Montreal a mangle, which to be properly handled required the services of an expert mechanic;

“Considering that the plaintiff is a laborer who was engaged by the defendant as a fireman, and to act as assistant to roll the goods which pass through the said mangle and to do generally laborer’s work in the said factory;

“Considering that on the 26th of October 1914, the defendant had closed down his dyeing process for the day, and that he sent the plaintiff in the morning to the dyeing shop, with instructions to heat and tidy up the place, and to deliver some clothes to two parties who were to call for them;

“Considering that the plaintiff having gone as instructed to the defendant’s establishment, undertook unbidden, to turn on the electric motor and to start the mangle in the absence of the defendant’s expert dyer Albert Robertson, who alone with the defendant himself had charge of the machine;

“Considering that after starting the machine, the plaintiff undertook to pass through the mangle a garment a few yards long which was worthless and which was not destined to be put through the dyeing process;

“Considering that the plaintiff while thus engaged had his right hand caught between one of the upper and one