

MABEE, J.

OCTOBER 1ST, 1907.

TRIAL.

LAWSON v. PACKARD ELECTRIC CO.

Master and Servant—Injury to Servant—Infant Employed in Factory — Negligence of Foreman — Dangerous Machines—Neglect to Caution Infant—Liability of Employers—Superintendence — Workmen's Compensation Act—Factories Act.

Action for damages for injuries sustained by plaintiff while in the employment of defendants, by reason of the negligence of defendants, as alleged.

H. H. Collier, K.C., for plaintiff.

E. D. Armour, K.C., and G. B. Burson, St. Catharines, for defendants.

MABEE, J.:—The plaintiff entered the defendants' employ in May last, and on 19th June met with an accident while attempting to take a tin plate out of a stamping machine. He lost the ends of three fingers. He was between 14 and 15 years of age, and had no knowledge of machinery of any kind, and was engaged by Mr. Pope, the defendants' foreman upon the floor in question, to help any one there who needed help, except one Gallagher, who was doing piece work. He was given no instruction how to operate any of the machines; the foreman said it was not intended that he was to operate any, nor was he given any warning as to any of them being dangerous. In other words, he was just turned loose upon this floor with general instructions to help any one and every one (except Gallagher), with no word of caution or warning of any description. On 19th June he was helping George Hill to put the plates through the stamping machine in question; they were carried to the machine by the plaintiff and Hill; the latter was to operate the press; then, after they were stamped, the plaintiff was to carry them away. Hill had left the machine for a few minutes, and Pope called out and asked in effect if the two were going to be all day in getting the plates through, whereupon the plaintiff, in the absence of Hill, took hold of the press and endeavoured to get a plate out, when the die came down upon his hand. It is tripped