

the machine in operation. He started the compressor. He says—and the jury have believed him—that he opened the exit valve of the compressor, but that, nevertheless, the machine would not operate properly; the pressure rose abnormally, and he stopped the machine. He started it again, when almost immediately the pressure become so great that the ammonia was forced through the packing of the cylinder-head, with the result described.

The defendants contended that this was brought about by the failure to open the discharge-pipe from the condenser, and that in no other way could the pressure necessary to bring about the result have been obtained. Plausible as this theory is, the jury have rejected it.

It appears that, some time prior to this, while the machine was in operation, Nokes drew the attention of the defendants' engineers to the fact that the condenser, which was supposed to operate silently, ran with a heavy pounding. Goulet, who was in charge for them, admits that he was told of this. He thought that it did not indicate anything wrong with the machine; and he instructed Nokes to continue its operation.

The jury have, I think, taken the view, and I so read their findings, that this pounding indicated that there was something wrong with the condenser, and that it then became the duty of the defendants to open it up and ascertain the cause, and that the defendants were negligent in failing to do so. The jury also find, as I understand their answers, that the effect of this pounding was gradually to loosen the packing of the cylinder-head, so that, when it was subjected to a somewhat unusual strain—from whatever cause that was brought about—the loosened packing permitted the ammonia to escape.

After the accident, Goulet was called in. He tightened the bolts on the cylinder-head, thus compressing the packing; and ran the engine without disaster for several days; but he did nothing to remedy the defect that existed in the machine, whatever it was. In the result, about a week thereafter, a somewhat similar accident took place, in which the head was blown off the cylinder, and the discharge valves and other internal mechanism at the cylinder-head were completely wrecked.

I do not think that, under these circumstances, I can non-suit; in fact, I think the jury were well warranted in taking the view that there was something wrong with this condenser, which would have been discovered had the defendants heeded the warnings given by the unusual noise in its operation. This defect resulted in the escape of the gas on the 14th August, when the cylinder-head was loose enough to yield; and it resulted in the entire wreck of the machine when the cylinder-head was