(d) Defects in the condition of the plant. As the term "plant" carries the very extensive meaning explained in sec. 4 (e) ante, the cases involving it cover a great variety of appliances. Some of them might presumably be referred to the instrumentalities discussed in the preceding subscriptions (*d*).

8. Conditions not amounting to defects. — The mere fact that a machine is dangerous to manipulate unless the servant takes certain precautions which any intelligent man would see to be appropriate under the circumstances will not warrant a feeling that the machine is defective within the meaning of the Act. There can be no recovery unless the defect is one which implies negligence on

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increase in the weight of engines, the truck had become unsuitable for the use to which it was put, and that, if the wheel had been of proper strength, it would have withstood the strain caused by meeting the obstruction on the rail. *Gunn* v. *New York &c. R. Co.* (1898) 171 Mass. 417.

(*d*) The following defects have been held to come under the head of "defects in plant":—The want of ventilation for the hold of a coal ship, the result being that gas accumulated and exploded when the hatches were removed and the men engaged to unload the coal entered the hold with their lanterns. *Carter* v. *Clarke* (Q.B.D. 1896) 14 Times L.R. 172, 78 L.T.N.S. 76. A horse intended for a particular kind of work, and so vicious as to be unfit for that work. *Yarmouth* v. *France* (1887) 19 Q.B.D. 647. A vicious horse. *Fraser* v. *Hood* (1887) 15 Sc. Sess. Cas. (4th Ser.) 178. A horse who is constantly falling. *Haston* v. *Edinburgh &c. Co.* (1887) 14 Sc. Sess. Cas. 4th Ser.) 621. The want of some means either to prevent loose bodies from falling upon men working below, or to protect those men from any of those bodies which may fall. *Heske* v. *Samuelson* (1883) 12 Q.B.D. 30. [Piece of coal fell from a lift the sides of which were not fenced on to an unroofed platform]. A ladder which, by the direction of the defendant, is used to support a scaffold, and not being strong enough for the purpose, breaks under the weight of a servant. *Cripps* v. *Judge* (1884) 13 L.R.Q.B.D. 583. A bolt so weakened by constant strains that it breaks. *Irwin* v. *Dennystown &c. Co.* (Ct. of Sess. 1885) 22 Sc. L. Rep. 379. A sliding-door to be used in case of fire without any provision for protecting the hands of an employé from being crushed when it is pulled to. *Johnson* v. *Mitchell* (Sc. Sess. Cas. 1885) 22 Sc. L. Rep. 698. An inflammable brattace-cloth allowed to stand in a place where sparks frequently fall on it. *Thomas* v. *Great Western &c. Co.* (C.A. 1894) 10 Times L.R. 244. Car buffers of different heights, overlapping in coupling so as to afford no protection to the person making the coupling. *Bond* v. *Toronto R. Co.* (1895) 22 Ont. App. 78, aff'd (without opinion), 24 Can. Sup. 715. [Construing the phrase, "defect in the arrangement of the plant," which occurs in the Ontario Act]. A switch not provided with a lock nor securely guarded in any other way. *Rombough* v. *Balch* (1900) 27 Ont. App. 32. An insufficiency in the number of scrapers supplied for cleaning out a brick-pressing machine. *Race* v. *Harrison* (C.A. 1893) 10 Times L.R. 42, per Kay, L.J. The failure to supply a boy with proper materials for the cleaning of machinery. *Thompson* v. *Wright* (1892) 22 Ont. Rep. 127. The inadequate manning of cars which are "kicked" on to a side track, the result being that their speed cannot be controlled and they come into collision with other cars. *Louisville &c. R. Co.* v. *Davis* (1890) 8 So. 652, 91 Ala. 487.