

larger of which is capable of lifting fifty tons, and moves comparatively slowly; the smaller is capable of raising ten tons, and moves with greater rapidity. These hooks are hoisted by steel cables wound upon drums.

On the day of the accident in question, Paskwan was working at some stop-logs, placed at the entrance to the penstocks in the forebay. He and other men had placed cables around these stop-logs, when the crane was signalled, and came from the other end of the premises for the purpose of hoisting them. The foreman signalled his desire to use the larger hook. This was accordingly lowered, and the smaller hook was hoisted so as to get it out of the way. The crane was operated by a man in a cage suspended below it, where he would have a clear and untrammelled view, not only of the crane itself, but of the operations being carried on. The hoisting apparatus was some thirty-five feet from the floor of the building.

Owing to the negligence of the man in charge, he failed to stop the winding-up of the cable raising the smaller hook, with the result that it was carried up to the drum, and, being unable to pass through, such strain was placed upon the cable that it broke, and the hook fell, striking Paskwan on the head, and killing him instantly.

The jury, in answer to questions submitted, has found, in addition to negligence on the part of the man in charge of the crane, negligence on the part of the company, as the master-mechanic had failed to install proper safety appliances. They assess the damages under the Workmen's Compensation for Injuries Act at \$3,000 and at common law at \$6,000.

Having regard to the evidence given at the trial, the meaning of this answer is plain. It was contended that a safety device could readily have been installed which would have stopped the rotation of the hoisting drum before the hook reached such a position as to place an undue strain upon the cable. The drum was operated by an electric current, and the device suggested was a cut-out mechanism by which the circuit would be broken as soon as the cable was wound upon the drum to the extent necessary to bring the hook to the desired height; thus automatically bringing the machinery to rest in precisely the same way as it would have been stopped by the man in the cage by the operation of the controller under his charge. The controller, it must be borne in mind, is nothing more nor less than a circuit-breaker operated by hand.

In answer to this, the company allege that some two years ago a precisely similar accident happened. Their engineers