

ZDRABAU v. JASSBY'S and another.**Workmen's Compensation Act — Application — Ice cream machine—R. S., 1909, art. 7321.**

A person employed in a drug store and a restaurant in doing general cleaning work, in assisting the cook, and in the filling with ice of an electric machine for the purpose of making ice cream, who is the victim of an accident while working at that machine, come under the Workmen's Compensation Act.

The judgment of the Superior Court, which is confirmed, was rendered by Mr. Justice Greenshields on December 13, 1916.

The defendants are proprietors of a drug store and refreshments restaurant. The plaintiff was in their employ to do general cleaning work, such as sweeping the floors, dusting the windows and counters. He was also assistant to the cook.

On the 29th of July, 1916, while he was filling up with ice an electric machine used to make ice cream, his right hand got caught therein, and was cut off as far as the elbow. He alleges inexcusable fault on the part of his employer and permanent incapacity. He claims an annual rent of \$300 and the capital.

The defence of the defendants is that the Workmen's

Archibald, Acting Chief Justice, Martineau and Lane, JJ.—Court of Review.—No. 3085.—Montreal, March 31, 1917.—I. Popliger, attorney for plaintiff.—Trihey, Bercovitch, Kearney and Lafontaine, attorneys for defendants.