

QUEEN'S BENCH DIVISION.

LONDON, 16 December, 1896.

HINDLE v. BIRTWISTLE (31 L.J.)

*Factory and Workshop Acts—Dangerous parts of machinery—
Omission to fence—Liability.*

Case stated by the Recorder of Blackburn.

Messrs. Hindle, who were cotton manufacturers, were convicted by the magistrates of Blackburn for neglecting to fence a certain dangerous part of the machinery in their factory—to wit, the shuttles. It appeared that a shuttle flew out of one of the looms in the factory and injured a weaver, but the evidence showed that such an accident might arise either from negligence of the weaver or from some foreign substance accidentally getting into the shuttle race, or from some defect in the yarn. By section 5 of the Factory and Workshop Act, 1878, and section 6 of the Factory and Workshop Act, 1891, "all dangerous parts of the machinery" in a factory are required to be securely fenced.

The Recorder quashed the conviction.

The Attorney-General (Sir R. Webster, Q.C.), H. Sutton and L. Sanderson for the appellants.

Sir E. Clarke, Q.C., and E. Sutton for the respondents.

THE COURT (WILLS, J., and WRIGHT, J.,) were of opinion that the above sections were not restricted to machinery which was dangerous in itself, but applied equally to machinery from which, in the ordinary course of working, danger might reasonably be anticipated. They therefore remitted the case to the learned Recorder.

COURT OF APPEAL.

LONDON, Nov. 28, 1896.

Before LORD RUSSELL, L. C. J., LINDLEY, L. J., SMITH, L. J.

In re ROBINSON. WRIGHT v. TUGWELL. (31 L. J.)

Charity—Endowment of Church—Continuing condition—Ecclesiastical Law—Public worship—Preaching—Black gown.

Appeal from a decision of NORTH, J.

Mrs. Robinson by her will gave a legacy of 1,500*l.* towards an