

chine . . . in the use and management of which he was instructed by defendants' foreman. The purpose of the machine is to cut and trim blocks of paper. . . . The operator standing in front of it places upon the table of the machine the block or pad of paper intended to be cut. By a double movement of the throw-off handle by the operator parts of the machinery are set in motion by means of which the power is communicated; a clamp descends which fastens the block firmly in position; this is followed immediately by the knife which makes the cut required. When the double movement of the handle has been completed, it is at once released by the operator, the cut is made and the clamp and knife return to their former position, automatically, as the witnesses say, or in the course of the motion imparted to the shaft by the driving gear. In the upward movement, the machine is thrown out of gear or locked . . . ready to be again set in motion by a repetition of the double movement of the throw-off handle.

On the 19th June, 1902, when plaintiff had been working at the machine for a week, he placed a block of paper on the table, cut it in the usual way, and as the knife was ascending proceeded to take out or turn round one of the parts in order to trim the edges by another cut. In doing this his hands were necessarily under or partly under the knife, which, unexpectedly and without having been set in motion by him, fell, severing one of his hands and mutilating the other. The knife had never come down in this way before, while he was working the machine, without using the handle, and from his instructions as to its user and mode of operation he had no reason to expect that it would do so. . . .

[The learned Judge referred at length to the evidence.]

Questions were put to the jury, which, with their answers, are as follows:—

(1) Was the personal injury caused to the plaintiff by any defect in the condition or arrangement of the defendants' paper cutting machine? Ans. Yes.

(2) What was the defect in the condition or arrangement of that machine? Ans. We cannot answer.

(3) Was this defect known to Shepherd, the superintendent employed by the defendants, of this machine and the working of it? Ans. Yes.

(4) Was this defect not remedied owing to the negligence of the defendants or of some person intrusted by them with the duty of seeing that the condition of the machine was proper? Ans. Was not remedied owing to the negligence of the defendants.