

his proper place underneath. Plaintiff here is hurt from having been using the hoist for unlawfull purposes. The danger here was no secret to plaintiff; it is proved that his fellow-workmen talked of the dangers of going up and down, and some would never go up so, but only by the ladders. Plaintiff must, from what is proved, be presumed to have known that he ran risk by going up and down by the hoist. The hoist was of very rude construction, and, however good the ropes might be, dangerous for the men to use, swinging about, as it always did, in the air. As means for the men to go up and down the defendant had provided safe ladders. The plaintiff, by his own thoughtlessness, has so contributed to his own hurt, that he is "*irrecevable à se plaindre du dommage éprouvé.*" So says *Sourdat*, Vol. 2, Nos. 660, 662. I am sorry for plaintiff, but defendant goes free. Action dismissed.

COUR SUPERIEURE.—Montréal, 29 Novembre, 1873.

Coram.—MACKAY, J.

BELANGER vs. CARIGNAN.

DOMMAGES POUR PROPOS DIFFAMATOIRES.

Action for \$195 damages, for slander, plaintiff being charged with perjury. The plea says there was an altercation and counter charges, but repeats the charge of perjury, without however defendant bringing any proof. Plaintiff's character does not appear to be very good, but defendant ought not to have repeated the charge in his plea without proving it. Judgment for \$10 and costs, as in an action for that sum.

Mousseau & Chapleau, for plaintiff;

De Bellefeuille & Turgeon, for defendant.

COUR SUPERIEURE.—Montréal, 29 Novembre, 1873.

Coram.—JOHNSON, J.

ROSS *et al.* vs. BRUNET.

Jugé :—Qu'il n'est pas nécessaire que les réclamations alléguées en compen-