which was then in motion, whereby the other end swung around violently and struck the plaintiff, inflicting the in-

juries complained of.

The plaintiff's contention is that the bounce board should not have been so high as to have permitted the log to pass under it, and that its being so was a defect in the condition or arrangement of the ways, works, etc.

In answer to the second question: "What was the cause of the accident, and was there any defect in construction in the machinery that caused the same?" the jury's answer is

"stop log too high from chain."

In view of the evidence the meaning of this answer is, I think, that the accident was caused by the bounce board being too high from the chain, and that its being too high was a defect in the arrangement of the ways, works, etc.

The jury find that the plaintiff was not guilty of contributory negligence. There is evidence upon which they might properly find as they did, and I see no reason for disturbing the judgment.

The appeal should be dismissed with costs.

HON. MR. JUSTICE SUTHERLAND:-The plaintiff was at the time of the accident, as a result of which he claims damages from the defendants, in their employ, and engaged in their saw-mill in rolling off logs from an inclined plane up which they were carried from the water by an endless chain. He used a cant hook for the purpose. Beyond the point where he worked was what is called a stop board suspended above the inclined plane in such a way that when the log was carried forward and pressed against it the machinery driving the chain was "thrown out of gear" and the chain stopped.

The plaintiff says that a slippery log coming up his hook failed to grip it and it passed on, but owing to the stop board not being low enough, went under it, and became

wedged before the chain could be stopped.

The plaintiff undertook to free it, and while doing so says it swung violently around against his left leg, breaking it. He claims that the injury was caused by the stop board being too high from the plane, and that this was a defect in the condition of the defendants' ways, works, machinery, etc.

The case was tried before the Judge of the District Court of Sudbury and a jury on the 5th June, 1912. The jury, in answer to the question, "What was the cause of the accident,