

NOVEMBER 24TH, 1902.

C. A.

## HOLMAN v. TIMES PRINTING CO.

*Master and Servant—Injury to Servant—Workmen's Compensation Acts—Negligence of Master's Foreman—Infant.*

An appeal by defendants from the judgment of FALCONBRIDGE, C.J., after a trial without a jury, awarding plaintiff \$1,200 damages, in an action against his employers under the Workmen's Compensation Act.

In March, 1900, plaintiff, then being about 16 years of age, went into the employment of defendants, who were the proprietors of a printing establishment in the city of Hamilton. Among other kinds of work done by them was the printing of railway coupon tickets by means of a ticket printing press. After plaintiff had been in defendants' employment for about two months, during which he did some work or "practising" at using a press, he was put to work at printing on cardboard, and he continued at this, working some hours each day, until a week before the 4th July, 1900, on which day he received the injury which was the cause of this action. The defendants had three ticket printing presses, very similar in construction and operation. Two of them were alike in every particular; the third, the one at which plaintiff was working when he was injured, differed from the others in some particulars. The plaintiff did not work at the third machine until a week before the accident. On the 27th June, 1900, he was put to work on the third machine by defendants' foreman, to print coupon tickets upon thin, slight paper, different from the stiff paper upon which he had hitherto been engaged. The quality of this paper made it more difficult to properly adjust, and called for quick action on the part of the operator, even when the machine was not working at its greatest speed. For the first few days that plaintiff was working on the machine, it was worked at first speed. On the third day, he said that the foreman told him to run at faster speed, and it was put up to second speed. On the fourth day he complained to the foreman that the speed was too great and that he was tired out and was spoiling tickets; that on account of the material being so flimsy and the speed so great it was very difficult and hard to handle it, and he could not do it; that it was dangerous to run at that speed. The foreman, however, told him to go back and run at that speed. On the next working day, he put the speed down to first speed, but the foreman came over and put it back to second. On the next day the accident hap-