

If the paper company had been accurately informed as to the work, and had undertaken to supply a machine capable of doing it, there would be a basis for the finding of the jury. But the inquiry made and the answer given were not actually connected with the bargain when made; and (with some hesitation) the paper company cannot be made liable.

The appeal of the plaintiff against the paper company should, therefore, be dismissed with costs.

In dealing with the steel company's appeal, it must be borne in mind that, while the crane and its crew were hired by it, it was only their work and services that were transferred. It was clear upon the evidence that a cranesman, such as Dube was, must have had his hands full in working the levers and attending to the brakes, and could not be expected to supervise the outside work. He could have surveyed the situation; and, if he did so, and considered it dangerous to perform the operation, he could have declined to proceed. In that case the steel company could not have dismissed him, nor could they have compelled him to risk his life or limbs or his master's property in doing what they wished to be done. He had not become the steel company's servant in the sense that his owner had parted with all control or that the steel company had for the time become his complete master. He was not a fellow-servant with the servants of the steel company who were assisting him: *McCartan v. Belfast Harbour Commissioners*, [1911] 2 I.R. 143 (H.L.) The steel company had a superintendent and foreman on the ground when the accident happened, but they were not in such relation to Dube that he was bound to conform to their orders, as that expression is used in the Workmen's Compensation for Injuries Act.

That, however, was not decisive of the case. Being supplied by the paper company with a machine which might under certain conditions, induced by orders given for its operation, become dangerous in use because not properly equipped, the steel company, through its workmen, undertook an operation in a hazardous way, and gave directions to Dube during its progress without any one in charge who was in fact competent to direct it and carry it out safely. It was the steel company's duty to have so directed or superintended the operation as to provide for the safety of those engaged in it, and to have employed a system which would insure the workmen, no matter whose servants they were, against injury. The jury having absolved Dube from negligence, and there being no finding that