

The  
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HIGH COURT DIVISION.

KELLY, J. NOVEMBER 16TH, 1914.

HAYWOOD v. HAMILTON BRIDGE WORKS CO.  
LIMITED.

*Negligence—Injury to Workman by Breaking of Chain in Moving Steel Plates—Absence of Evidence of Defect or Weakness—Action by Workman against Master—Nonsuit.*

Action for damages for injuries sustained by the plaintiff while working for the defendants, by reason of the defendants' negligence, as he alleged.

The action was tried with a jury at Hamilton.

J. L. Counsell, for the plaintiff.

S. F. Washington, K.C., for the defendants.

KELLY, J.:—At the time the plaintiff sustained the injuries in respect of which he has brought this action, he and two other men, all in the employ of the defendants, were engaged in moving steel plates at the defendants' works. The plaintiff had frequently been engaged at the same work for the defendants. The plates were about 40 feet long, about 2 feet 6 inches in width, and  $\frac{5}{8}$  of an inch thick. Three of the plates were laid together, and a chain, with which they were to be raised, was passed around them at the centre, and then fastened by McCoy, one of the men—the plaintiff being at one end and the third man at the other end, helping in the operation of raising. The chain, without any warning, broke, and the plates fell, so severely injuring the plaintiff's finger that amputation of a part of it followed.

There is no evidence of defect or weakness in the chain, or to shew what caused it to break, nor is there anything to indicate that the defendants had been negligent, either in not providing a better or different chain, or that they had any knowledge of any condition from which they could have known that it was