

TRIAL.

GORDANIER v. JOHN DICK CO.

Master and Servant—Injury to Servant—Negligence—Defect in Machinery—Knowledge of Master—Knowledge of Servant—Contributory Negligence—Jury—Nonsuit.

Action for damages for loss of plaintiff's right hand by its being caught in the fans of a "dryer" in the bag factory of defendants, where plaintiff was employed.

In the dryer were two fans which, when in motion, revolved with great velocity. The dryer was a room about 16 feet long by 10 feet wide. The air in it was heated by steam in pipes within the room. The cloth to be dried was hung upon bars in the room and the room was closed up, not with doors on hinges, but with panels or boards fastened together like doors and placed in position to box in the material to be dried. On one side, in a recess or opening, were the two fans, set some inches back of the frame in which was the gear by which the fans were driven, and back of an oil cup which received the oil for lubricating the gear. The fans were put in motion by putting a belt upon the tight pulley or driving pulley of the shaft connected with the fans. When the fans were not in motion this belt ran upon a loose pulley. The plaintiff alleged that the arrangement for running the fans was defective, to the knowledge of defendants; that the belt was a little wider than the loose pulley, and was liable to extend to the tight pulley and start the fans, without anyone using the shifter, and that the shifter itself would not effectively do the work intended.

The plaintiff left work on Saturday 23rd May at noon. He said that in closing up he noticed the tendency of the belt to go upon the tight pulley, and he had to hold the belt upon the loose pulley until the machinery stopped.

On the morning of Tuesday 26th May, before 6.30, the plaintiff went to the factory to commence work. On arriving, he said, he looked and saw that the belt was properly upon the loose pulley, and then started for the dryer to oil up. When he started none of the machinery was in motion. He took off one door or panel of the drying room. He said he was ordered to do this, and told that it was not necessary to open another. He first went into the north part and filled the oil cup for the north fan. He then began to make his way through or between the folds of cloth with which the place was filled, and in going through heard the machin-