

experienced and intelligent hands the delays will be short and the advantages will overbalance the disadvantages, making it a more desirable outfit, particularly for scattered work requiring frequent moves, than a steam engine and boiler would be under those circumstances. But parties with inexperienced help are cautioned that they may look for trouble. No guarantee is furnished with gasoline engines but that of the makers. I must not be held responsible for them in any way."

The gasoline engine furnished by the plaintiffs was one of nine horse power. Mr. Mussen stated that his firm sells a mixer of their own, and that their mixers do not require a ten horse power engine for the double purpose of running the mixer and hoisting the load, and that was the reason of his ordering a nine horse power engine from the Fairbanks-Morse Company.

The defendants put up the mixer and engine immediately on its reaching Toronto, to be used in the erection of a building in Bloor street, the walls of which were to be of concrete 30 feet high. Difficulties (frequently found in starting new machinery) were experienced at first in running the engine because of some minor defects in the machinery, which were immediately remedied, and because Denice, who was running the engine, had not discovered a well in the machine which should have been kept filled with oil. These minor defects were immediately remedied, and after that, as explained in a letter from Chadwick to plaintiffs of 11th October, 1905, "the mixer and hoist seemed to please everybody on the job."

On one occasion the platform of the elevator, containing two barrows filled with concrete, was taken up so suddenly that it struck a beam, and the platform was slewed around and tilted over on its side. From the evidence it is clear that the young man (Porter) running the engine lost control of it, and the turning over of the platform was not attributable to any defect in the machinery, but to the fact that it was carried too far, because the power was not shut off in time. This incident demonstrated the lifting capacity of the engine, as the load was a heavy one. Complaint was also made that the drum became bound, and as a consequence there was difficulty in getting the hoisting apparatus in motion. The drum was one usually supplied