

the defendants in the same shop, by reason of his being caught by the same—then unguarded—set screw. After that accident, the defendants did put a guard box or case upon and over this collar or disc, completely covering both collar and head of set screw.

The plaintiff is an intelligent and competent workman. He was foreman of the men and of the work on the floor of that part of the factory where the former accident happened and at the time it happened. The plaintiff continued to be foreman and to have an oversight of the work being done and of the machinery, including the shaft pulley, belting, and set screw, and was so when the accident happened to him.

An employee of the defendants, while at work on the machine in question, had his driving-belt broken. He could not repair it himself, so took it to his foreman, the plaintiff. Before repairing the belt, the machinery had been stopped. The plaintiff removed the covering which guarded the set screw. With this covering on, the plaintiff could not have been injured in the manner in which he was injured. The plaintiff then went into the pit or open space close by the pulley, and close to the orbit of the projecting head of the set screw. Having repaired the belt, the plaintiff, without putting the guard or protecting box back in place, started the machinery, and, with the belt in place and the guard not in place, applied belt dressing to the inner surface of the moving belt. While he was doing this, his clothing was caught by the projecting head of the set screw, he was thrown upon the moving shaft and pulley, and was severely injured.

Upon that state of facts, counsel for the defendants, at the close of plaintiff's case, moved for a dismissal of the action. I reserved my decision and decided to submit questions to the jury.

The motion for dismissal was renewed after evidence for the defence had been put in.

The questions put to the jury with their answers are as follows:—

(1) Were the defendants guilty of any negligence which occasioned the accident to the plaintiff, in not having the projecting set screw in the collar upon the shaft in defendants' factory guarded otherwise than it was guarded when plaintiff was injured? A. Yes.

(2) If so, in what respect were the defendants so guilty? A. In not having a separate guard on set screw or in not having collar on shaft with a counter-sunk set screw. Also in not having proper appliances for applying belt dressing.