Accordingly, under the statute as at common law, (see ante), an employer is not bound to provide the very best machinery that can possibly be invented. It is enough if he provides that which is reasonably sufficient for the purpose (*b*).

Culpability is negatived by proof that the instrumentalities furnished were the same in character and quality as those commonly used under similar circumstances by persons carrying on the same business as the defendant (*c*). But in order to be conclusive in

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enactment I am of opinion that the case is brought within the statute." The general language of the decision is somewhat qualified by *Morgan* v. *Hutchins* (C.A. 1890) 59 L.J.Q.B. 197. (See sec. 6, note (e), ante). There Lord Esher referring to the earlier case, made the following remarks: "I think it was assumed by the whole Court that, if the machine were dangerous to a workman without any fault of his own, it came within the Act. The only doubt that existed in the minds of two of the members of the Court was whether the defect had arisen from the negligence of the employer." The general rule has been enunciated, that machinery is not defective which is fit and proper for the purpose for which it is designed, and there is a reasonable mode, known to the injured servant, in which he could have operated it. *Newman* v. *Dublin &c. Co.* (1893) L.R. Ir. 399.

(*b*) *Robins* v. *Cubitt* (1881) 46 L.T.N.S. 535, per Lopes, J. Want of reasonable care is not established by evidence which merely shews that a particular safety catch of a different pattern from that on the defendant's elevator had been used ten years before by others. *Black* v. *Ontario Wheel Co.* (1890) 19 Ont. Rep. 578. The rule "an employer is not bound to provide against every possible danger, or to supply in all cases the safest and most approved appliances" was applied in *Mitchell* v. *Patullo* (1885) 23 Scotch L. Rep. 207. There the folding doors of a shed on a farm flapped in a horse's face, so that he backed a wagon, and crushed the plaintiff. Held, that the farmer was not in fault for having failed to provide sliding-doors. A defect in apparatus for hoisting ice is not shewn by the fact that a gin-wheel is hung so low that the employé's hand was drawn into it and injured by failure to stop the rope soon enough, where it does not appear that it could have been hung any higher in the building, and proper arrangements were made for stopping the rope if the engineer had observed it. *Carbury* v. *Downing* (1891) 154 Mass. 248, 28 N.E. 162. There the plaintiff did not suggest that the means employed to stop the engine was not sufficient, or that any other should have been provided, but contended that the means for indicating to the engineer the time for stopping the engine, viz., a mark upon the rope to indicate to the engineer when to stop the engine, was not sufficient. It was held that the jury could not properly have found that this was an insecure mode of indicating to the engineer when the ice arrived at the top of the run, and that the engine ought to have been inside the building, where the engineer could see the ice and the upper gin-wheel, and decide in that way when the engine should be stopped. A servant cannot recover, as for a "defect," where he is injured by the fall of a bar which was used for fastening flap-doors in a floor, and which, instead of being secured by a chain or otherwise, so as to prevent its falling, is left loose. *Poole* v. *Hicks* (1889) 5 Times L. R. 353. A draw bar on the car of another railway company which is of a different height from those on the defendants' own cars is not a defect. *Ellsbury* v. *New York &c. Railway Co.* (1899) 172 Mass. 130, 51 N.E. 415. It is not, as matter of law, the duty of persons operating coal mines to cut a manway, different and separate from the slope through which coal was brought to the surface, for the ingress and egress of their employés. *Whatley* v. *Zenida Coal Co.* Ala. (1899) 26 So. 124.

(*c*) An open hook without a catch to which a bucket is attached for raising and lowering loads cannot be held to be a defect, where the plaintiff's evidence is that such a hook was always used in work of a similar kind, and no proof is