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MACMAHON, J.

DECEMBER 30TH, 1908.

TRIAL.

MAMMELITO v. PAGE-HERSEY CO.

Master and Servant—Injury to Servant—Dangerous Machinery—Warning—Fault of Servant—Nonsuit.

Action for damages for injuries sustained by plaintiff owing to the negligence of defendants while plaintiff was engaged as a workman in their factory, tried without a jury at Guelph.

W. H. Price, for plaintiff.

C. L. Dunbar, Guelph, for defendants.

MACMAHON, J.:—The defendants have a large factory in Guelph, where they manufacture iron pipes, and employ about 250 workmen.

The plaintiff, when 15 years old, was engaged by the defendants at \$1 a day, and continued in their employment for 8 months prior to his being injured, with the exception of one occasion when he was relieved from duty for 10 days for disobeying the orders of Mr. James McVicar, who was night superintendent of the work in which the plaintiff was engaged.

Both McVicar and Max Bahm say that they had forbidden the plaintiff on several occasions leaving the side of the works on which he was employed. His duty was to work at the lever from which the pipes first emerge from the carriers. He worked on the lever at a distance of about 60 or 70 feet from the point at which he was injured. He was supposed to be on the side of the building on which the