

by a foot press, and this the plaintiff must have inadvertently touched, as it appears it had never been known to fall without pressure upon that part. Hill had been accustomed to use a stick to take the plates out, but this had been misplaced.

The accident plainly occurred by reason of the plaintiff's endeavour to get the plates put through without delay, and his attempting to remove one from a machine about which he had never been instructed nor warned as to its danger.

Pope had authority to employ the plaintiff, and was acting under such authority. Was he negligent in not cautioning the plaintiff as to the danger of the machines? It is admitted that the machine in question is dangerous, and the foreman said there was no way to guard it. Was it not the duty of the foreman to point out to the plaintiff the dangerous machines, and caution him, or give some instructions as to how he should approach them, and, if it was intended that he should not attempt to operate any of them, forbid him from so doing?

I have no hesitation in holding his omission to take this reasonable and sensible course to be the grossest kind of negligence. The dangers surrounding the work the boy was put at were apparent to the foreman. They were by no means appreciated by this inexperienced boy, and I am of opinion that the plain duty of any foreman, under the like circumstances, is to point out, to caution, and to warn, and omission to do so is negligence.

The evidence does not disclose that the foreman made any examination of the boy's capacity for appreciating danger, and so he was allowed to commence without any care being taken to ascertain his ability to perform the work he was being set at. It is clear that the instructions given him to help those requiring his assistance, would sooner or later take him to assist some one in working a dangerous machine, just as in the result he was called upon to help Hill; he is then directed to perform what may be hazardous work, and of which he had had no experience; and, as I understand the liability and duty of masters under such circumstances, it is that they are bound to point out the dangers connected with that work, thus enabling the infant employee to comprehend and avoid them; and omission so to do is carelessness that makes the employer liable for the consequences that follow.

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