legally wrong in the use, by an employer of works of machinery, more or less dangerous to his workmen, or less safe than others that might be adopted. It may be inhuman so to carry on his works as to expose his workmen to peril of their lives, but it does not create a right of action for an injury which it may occasion." In the same case, Channell, B., said: "I rest my judgment on the ground that the deceased himself continued in the employ of the defendant, and in the use of the clip with full knowledge of all the circumstances, so that he directly contributed to the accident."

The case of *Woodley* v. *Metropolitan District Ry. Co.*, L.R. 2 Exch. Div. p. 384 (1877), likewise decides that the plaintiff having continued in his employment with full knowledge, could not make the defendants liable for an injury arising from danger to which he voluntarily exposed himself. Chief Justice Cockburn, in his judgment, held that if a workman became aware of danger which had been concealed from him, or which he had not the means of becoming acquainted with before he entered on the employment, or of the want of the necessary means to prevent mischief, his proper course would be to quit the employment. If he continues in it, he is in the same position as though he had accepted it with a full knowledge of its danger in the first instance. In a legal point of view, if a man, for the sake of the employment, takes it or continues in it with a knowledge of its risks, he must trust to himself to keep clear of injury.

By reference to the form of the declaration in a cause under common law liability, as between employer and workman, it will be seen, it was necessary to allege the danger was known to the master, and unknown to the workman. If either allegation was omitted, the declaration was demurrable. The master was held to be liable, if he were cognizant, and the servant not cognizant, of danger. The Employers' Liability Act, although passed in 1880, did not come into force until 1881.

In *Weblin* v. *Ballard*, L.R. 17 Q.B.D. (1886) 122, the first case tried under this Act, the Court held Parliament had taken from the employer the defence of volenti non fit injuria, when sued by a workman under the Act.