

1911

*Oct. 27.

*Dec. 22.

DROLET v. DENIS.

ON APPEAL FROM THE COURT OF KING'S BENCH, APPEAL
SIDE, PROVINCE OF QUEBEC.

*Negligence—Employers' liability—Defective appliances—Warning and
instruction—Injury to workman.*

APPEAL from the judgment of the Court of King's Bench, appeal side(1), affirming the judgment of the Superior Court, sitting in review, (which had reversed the judgment of the Superior Court, District of Quebec,) and maintaining the plaintiff's action with costs.

The husband of the plaintiff sustained injuries, which resulted in his death, while employed in hoisting bags of grain by means of tackle to the upper story of the appellant's warehouse. The deceased employee had fastened two bags of grain to the rope which worked over the pulleys without using a slip-knot and the bags, while being hoisted, became loosened and fell upon him causing injuries from which he afterwards died. Shortly before the accident he had been warned to be careful in performing the work at which he was engaged, but it did not appear that he had been instructed as to the proper method of securing the bags to the hoisting rope. The action was dismissed at the trial by Sir Frs. Langelier, A.C.J., on the ground that the injuries were caused by the negligence of deceased solely, without any fault on the part

*PRESENT:—Sir Charles Fitzpatrick C.J. and Davies, Idington, Duff, Anglin and Brodeur JJ.

of the defendant, his employer. This judgment was reversed by the Court of Review and, in affirming that decision, the judgment now appealed from (Sir Louis A. Jetté C.J. dissenting) held that the employer by his neglect in permitting the deceased to perform his work in an unsafe manner became responsible in damages for the injury which, as the result of want of proper instructions, was the cause of his death.

After hearing counsel on behalf of both parties the Supreme Court of Canada reserved judgment and, on a subsequent day, the appeal was dismissed with costs, His Lordship the Chief Justice dissenting.

Appeal dismissed with costs.

Roy K.C. for the appellant.

Perron K.C. and *St. Laurent* for the respondent.

1911
DROLET
v.
DENIS.
—