

injuries sustained by the appellant while in the employment of the respondent, which, as he alleges, were caused by the negligence of the respondent.

The injuries were sustained while the appellant was "in the act of working at a hoist, lifting iron beams with a hook and derrick," and were caused by the beam falling upon him. The fall of the beam, as the appellant alleges, was caused "by the insufficient hook and tackle supplied" by the respondent for doing the work in which the appellant was engaged, "inasmuch as that, while the" appellant "was in the act of lifting large iron beams with the hooks supplied by the" respondent, "the hooks, through age and wear and insufficiency, broke, and allowed the iron beam to fall "over and upon the" appellant (para. 11 of the statement of claim).

The appellant also alleges in his statement of claim (para. 7) that "his injuries were caused by the negligence of the" respondent "in not providing sufficient and safe material with which to carry on his work, and that the tackle and hooks were bad and insufficient, and that the ways, means, and manner in which he was obliged to perform his work and in which" the respondent carried on its work, "were dangerous and unfit for the work therein being performed."

The theory of the appellant which he endeavoured to support at the trial was, that the hook which was attached to the beam for the purpose of its being lifted was defective, and that the fall of the beam was caused by the hook "widening out" so as no longer to operate as a hook.

At the close of the appellant's case, a motion was made on behalf of the respondent to dismiss the action, on the ground that there was nothing to go to the jury. The learned Judge reserved that question, and the case was left to the jury without any evidence being adduced by the respondent.

The jury found, in answer to questions, that the appellant's injuries were caused by the negligence of the respondent, and that the negligence was "by not providing proper protection for the men" (question 3), and they found that the appellant had not been guilty of contributory negligence.

Upon these answers being returned, the learned Judge pointed out to the jury that the answer to the third question was indefinite, and asked them to find "the acts or omissions which resulted in the man not being furnished proper protection;" and, after further consideration, the jury made the following addition to their answer to the third question: "No protection is