

1900, c. 100, were considered by the inspector for the city of S., who presented his report to the mayor and council dealing particularly with each application by reporting against them all.

The council, without considering each application separately, adopted the report of the inspector, thereby refusing them all.

Held, that it was in the discretion of the council whether to dispose of the applications separately or en bloc; that as the council had the discretion to refuse an application even where the applicant had complied with all the provisions of the law and no personal objection could be urged against him, they might exercise that discretion in respect to all the licenses or any number of those applied for by one act or resolution.

O'Connor, K.C., in support of application. *F. McDonald*, contra.

Province of Manitoba.

Full Court.]

LAWRENCE v. KELLY.

[January 17.

Negligence—Master and servant—Defect in system—Accident to workman—Negligence of fellow workman.

The plaintiff, a structural iron worker in the employ of the defendants, while working under the direction of an experienced foreman believed by the defendants to be a competent man, was severely injured by the falling of a steel column set vertically upon a cement pier to which it was fastened by split anchor bolts through the flanges and holes drilled in the pier. Plaintiff had been sent to the top of the column to assist in connecting it with a horizontal steel beam at a height of about 25 feet. The case was tried without a jury by a judge, who was unable to find whether the falling of the column had been caused by the faulty construction of the pier or by defective filling in of the holes with cement after the bolts had been driven in or by the dropping out of the wedges in the lower ends of the bolts, so that the bolts did not spread out at the bottom, or by sending the plaintiff to the top of the column before the cement had sufficient time to harden properly.

It was only as to the last of these suggested causes that there was any evidence to shew knowledge on the part of the defendants that the work was being done improperly and, if the fall of the column was from any of the other causes, the negligence was that of the foreman only.