

paid in whole or in part, that also did not affect the question of jurisdiction; and . . . nothing appeared in the evidence to oust the jurisdiction of the Division Court.

Order as asked; no costs.

---

MEREDITH, C.J.C.P.

APRIL 22ND, 1910.

CHRISTIE v. RICHARDSON.

*Master and Servant—Injury to Servant—Workmen's Compensation Act—Negligence of Foreman—Unsafe Condition of Gangway—Neglect of Foreman to See to Safety—Gangway Widened by Stranger and Left in Unsafe Condition—Liability of Person Interfering—No Joint Negligence—Absence of Contributory Negligence.*

Action by a bricklayer in the employment of the defendant Webb, the contractor for the brick work of a school-house, against Richardson, the contractor for the carpenter work, and Webb, to recover damages for injuries sustained by the plaintiff by reason of the alleged negligence of the defendants, or one of them, in regard to the condition of a gangway provided by the defendant Webb for his workmen to enable them to go to and from their work in the building.

The gangway, as constructed by the defendant Webb, was a safe and sufficient way for the purpose for which it was intended; but one day the carpenters working in the building made what was described as an addition to it for the purpose of widening it, and the addition was left there. The plaintiff was walking up the gangway the next day to go to his work, when it gave way, and he was precipitated into the basement.

The plaintiff based his right to recover against Webb on the breach of his duty to provide a safe and sufficient gangway and to see that the gangway in use was at all times in such a condition as to be safe and sufficient for the purpose for which the plaintiff had occasion to use it, and he based his right to recover against Richardson on an alleged interference by him with the gangway which contributed to its unsafe condition.

It did not appear that any request was made by Richardson or his workmen for Webb's permission to add to the gangway, but it did appear that it was customary for the carpenter to make use of the gangway used by the bricklayers.