

I have, as I have already said, dealt with these matters only down to the issue of the writ. I cannot but express regret that some reasonable effort was not made in the early days of the tenancy to remedy the unsatisfactory condition of the premises, especially in view of the continuing damage that would result from that condition.

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HON. MR. JUSTICE LENNOX.

MAY 15TH, 1914.

HALLETT v. ABRAHAM & FISHER.

6 O. W. N. 355.

*Negligence—Buildings—Erection—Injury to Servant of Sub-contractor—Absence of Negligence on Part of Master—Findings of Jury—Workmen's Compensation Act, R. S. O. 1914 c. 146, s. 4—Person Owning and Supplying Ways, Works, etc.—"Workman"—"Contractor."*

Where the jury found that a tender by an architect for the construction of a building had been accepted by the owner.

LENNOX, J., *held*, that the contractor-architect was the person owning and supplying the ways, works, etc. used for the purpose of executing the work, within the meaning of the Workmen's Compensation Act, R. S. O. (1914) c. 146, s. 4 and as such was liable to a servant of a sub-contractor who was injured as the jury found, through the want of a ladder.

Action for damages for injury sustained by the plaintiff, a carpenter, by falling from the roof of a house upon which he was working. The plaintiff was in the employment of the defendant Fisher; but the negligence alleged was that of the defendant Abraham, who was said to be the contractor for the work which the plaintiff was engaged upon.

The action was tried before HON. MR. JUSTICE LENNOX, and a jury, at Toronto.

Harcourt Ferguson, for plaintiff.

R. J. Gibson, for defendant, Abraham.

G. W. Holmes, for defendant, Fisher.

HON. MR. JUSTICE LENNOX:—There is no ground upon which I can direct judgment against Fisher. The jury acquitted him of negligence and I do not see that they could have done anything else. Their findings at all events are conclusive.

The defendant Abraham is not liable at common law. It is true that the negligence, if any, from which the plaintiff