

No proper system was adopted to protect the company's workmen, in life or limb, against these dangers. No adequate protection was supplied by the company and put at the service of those it placed in charge of the work.

Nor was the obvious need either to case the wall or remove the overhanging or other material liable to fall provided for by the company.

Nor, if that might have made a difference, was there assigned to any one (competent or not) the duty of supplying the necessary protection.

This is not the case of a work opened by a competent superintendent, appointed for that purpose, and its work continuously operated and developed by him within his authority, both as to the creation of its dangerous qualities and insufficient protection, but is distinct therefrom as if something new.

Whatever doubt or difficulty might exist in a case such as I have just stated, I fail to see how any can exist here if we have regard to the very cases cited by appellant without going further.

I think the appeal should be dismissed with costs.

GIROUARD, DUFF and ANGLIN, JJ., agreed with DAVIES, J.

Appeal dismissed with costs.

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### NOVA SCOTIA.

FULL COURT.

DECEMBER 22ND, 1909.

ST. MARY'S SOCIETY v. ALBEE ET AL.

*Assessment and Taxes—Exemption—Benevolent Society—Hall in Building Rented for Public Purposes—Basis of Valuation for Assessment—Lease—Construction.*

Appeal from the judgment of LONGLEY, J., reported 6 E. L. R. 582, in favour of defendants in an action to recover an amount paid by plaintiff for taxes in connection with a portion of plaintiff's building occupied by defendants.

W. F. O'Connor, in support of appeal.

H. Mellish, K.C., contra.