

The
Ontario Weekly Notes

Vol. IV.

TORONTO, MAY 16, 1913.

No. 35

APPELLATE DIVISION.

MAY 5TH, 1913.

*HUNT v. WEBB.

Master and Servant—Injury to Servant—Building Trades Protection Act, sec. 6—Breach of Employer's Duty—"Scaffolding"—Findings of Jury—Liability.

Appeal by the defendant from the judgment of LATCHFORD, J., on the findings of a jury, in favour of the plaintiff, in an action for the recovery of damages sustained by the plaintiff, who was a workman in the employment of the defendant, and was injured owing, as the plaintiff alleged, to the scaffolding upon which he was working having been unsafe, unsuitable, and improper, and not so constructed, protected, placed, and operated as to afford reasonable safety from accident to persons employed or engaged upon the building in and for the purpose of the erection of which the scaffolding was used: Building Trades Protection Act, sec. 6.

The appeal was heard by MEREDITH, C.J.O., MACLAREN, MAGEE, and HODGINS, J.J.A.

Strachan Johnston, K.C., for the defendant.
J. M. Godfrey, for the plaintiff.

The judgment of the Court was delivered by MEREDITH, C.J.O. (after setting out the facts):—It was contended by counsel for the appellant that the structure upon which the respondent was standing was not a scaffold, and was not intended to be used as a scaffold, and that the respondent, instead of using ladders

*To be reported in the Ontario Law Reports.