

MEREDITH, J.:—The plaintiff's claim in the Division Court was for damages for injuries sustained through the negligence of a fellow-servant of plaintiff, for which the defendant, the master, is said to be liable under the provisions of the Workmen's Compensation for Injuries Act. The claim was in respect of a wrong, and could not by any device be converted into one for breach of contract. The claim and judgment being beyond the jurisdiction of a Division Court, the defendant was entitled to prohibition. If the plaintiff sue and recover judgment upon his claim in a higher Court, he must then pay the costs of this motion or set them off against the judgment; otherwise no order as to such costs.