

The west runway was from 40 to 58 inches in width, and the south runway had 4 planks and was 40 inches in width. All three runways were 20 feet above the highway underneath. No witness who testified actually saw the deceased fall. He and three others were engaged in the work of wheeling the concrete. Each would in turn leave the mixer platform with his barrow loaded with about 200 pounds of concrete, and proceed along the north runway towards the west runway, from which he would empty his barrow into the excavation for the concrete wall, and then return to the mixer platform by way of the south runway. It was said it would not take more than a minute of time to make the round, but this does not appear to be very accurate.

On this particular occasion the deceased left the mixer platform with his loaded barrow and went along the north runway as usual. Very soon after—how long is not clear, but certainly not more than a minute—an alarm was given that he had fallen, and he was found unconscious on the roadway below. The base of his skull was fractured, and there was an abrasion on his right arm from the wrist to the elbow and towards the shoulder. He never recovered consciousness and died shortly afterwards. As he lay, his feet were about 12 feet out from the north runway. The head was towards the north-east and his feet pointing towards the south-west, that is, partially towards the north runway and partially towards the west runway.

One witness, Bathurst, stated that the barrow was just under the edge of the west runway. The only other witness on this point, McKay, said it was well under the west runway, right against the west abutment. The wheel was “dished” as if it had struck the ground before the frame. In taking his barrow load to the place of dumping there was no occasion for the deceased to turn sharply along the east side of the west runway when he reached it. His course was across it to the west side.

The jury found that he fell from the north runway.

The defendants contend that there was no evidence upon which the jury could reasonably find that the deceased fell from the north runway—that there was nothing upon which they could do more than conjecture. The defendants’ own theory is that he fell from the west runway, and they point to the evidence of a bit of concrete being found on the east side of the west runway not far from the junction with the north runway, and over where Bathurst said the barrow was found, as indicating the possibility of the barrow having gone over at that point. But that was for the jury to say. If they ac-