

which that finding was based, rendered the defendants liable at common law. They were also liable under the Workmen's Compensation for Injuries Act, it having been in effect found that there was a defect in the condition of the building or premises, and Kennedy having admitted his knowledge of that condition; with which might also be considered the evidence—not contradicted—that Lycett, a workman, complained on that morning to Townsend, the foreman, who was then in the position of superintendent, of the condition of the floor. The jury having before them these facts and Kennedy's admission that he knew that there was danger, and that he did not warn the men against taking out the props, the finding of the jury that there was an omission contributing to McNally's death in not ordering the props to be left in position could well be taken as a declaration of negligence for the consequences of which the defendants were liable. Judgment for the plaintiff for \$3,000, the amount assessed by the jury as damages at common law, with costs. H. Guthrie, K.C., and W. I. Dick, for the plaintiff. E. E. A. DuVernet, K.C., and B. H. Ardagh, for the defendants.