



**An analytical digest of the law and practice of the
courts of common law Volume 11 ; divorce,
probate, admiralty and bankruptcy, and of the
high court ... reported cases from 1756 to 1878,
with ref**

Ephraim Arnold Jacob

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This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1886 Excerpt: ...but S. had his own tools, and was paid by the piece. On the occasion of the accident the scaffolding erected by the defendant was in a manifestly unsafe state, and the defect in it was known to the defendant or his superintendent, and S. knew that it was so known to them. 8, uoi w ithstanding the defect, ascended a ladder to finish the slating, but the scaffolding gave way, and S., who was on the ladder at the time, fell to the ground, sustaining injuries from which he died:--Held, that the deceased was a workman within the meaning of section 8 of the Employers' Liability Act; and that, although the deceased was aware of the defect in the scaffolding, yet, as he knew that i lie defendant or his superintendent was aware of it also, sub-section 8 of section 2 of the act would enable the plaintiff to recover compensation for his death. Stuart v. Ecant, 49 L. T., N. 8. 138; 31 W. R 706--D. The 1st section of the Employers' Liability Act, 1880, provides that where personal injury is caused to a workman (3) by reason of the negligence of any person in the service of the employer to whose orders or directions the workman at the time of the injury was bound to conform, and did conform, where such injury resulted from his having so conformed, the workman, or, in case the ii.jury results iu death, his legal personal representatives, shall have the same right of compensation against the employer as if the workman had not been a workman of nor in the service of the employer, nor engaged in his work. The plaintiff, a boy employed by the defendants, a railway company, was assisting a carman of the defendants, under whose directions he was, in unloading from a van three large iron window frames. The frames were standing upright in the van, secured at each end to the lumps...

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