led to the place of his employment. On September 12, 1916, while he was going down the stairs after completing his day's work, and while other employees were rushing down the stairs, he took his hand momentarily from the railing along them. He reached again for the railing, but made a misstep or lost his balance while on the ninth step from the bottom, and as a result fell over the railing to the ground. The superior court of Worcester County affirmed an award of compensation made by the industrial accident board, and from this court's decree the insurer appealed. The supreme judicial court affirmed the decree, resolving in favor of the claimant the disputed point as to whether the injury arose out of the employment. Judge Pierce said as to this, in the concluding portion of the opinion delivered by him:

We are of opinion that there is a reasonable probability that some employee in the course of his employment will fall and receive an injury while descending a stairway of an employer, constructed and used as the stairway was in the case at bar. It follows that the likelihood of such a fall is a risk and hazard of that business.

WORKMEN'S COMPENSATION—INJURY ARISING OUT OF AND IN COURSE OF EMPLOYMENT—HORSEPLAY ACQUIESCED IN BY EMPLOYER—*In re Loper, Appellate Court of Indiana, Division No. 2 (June 1, 1917), 116 Northeastern Reporter, page 324.*—The industrial board, in the case of one Loper, certified to the court the question of law as to whether his injury and death arose out of his employment within the meaning of the compensation act. Loper was at work as a drill-press operator. The assistant superintendent, as a matter of sport, attempted to apply to Loper's person the nozzle of a compressed-air hose, when the employee, in jerking away his body, ruptured an abscess in the region of the gall bladder, causing acute general peritonitis, and death two days after the injury. The employees, as was found by the board, were accustomed to use the hose to clean their clothes, and to turn the air from it upon one another. The employee injured had participated in this at other times, but on this occasion was attending to his work. The assistant superintendent had also participated before, and neither he nor any other representative of the employer had objected to the practice. The court held that under the circumstances the injury arose out of the employment. It calls attention to the cases of other kinds of "horseplay," in the majority of which compensation has been denied.

We are not dealing here with a sporadic, occasional, or unanticipated use of the air hose in play. It had become a habit here for the employees to turn the hose against one another. That the habit was a perilous one, see the following, where similar accidents occurred: [Cases cited].