

was employed, started up and injured him when it was left at rest with the steam shut off and the lever locked which was used to start and stop it; that a machine which would do that was improperly constructed or adjusted, and was unsafe; that the defendant's foreman knew that the machine had started up in a similar manner three days before the accident. Held, that the jury were warranted in finding that the defendant was negligent.

*Explosion of Oil Can.*—The rule was held not to apply in a case where a locomotive engineer was injured by the explosion of an oil can which he was filling, because "the accident might have been due to improper handling as well as to improper furnishing the thing causing the accident," and because both the oil and the lamp were in the exclusive control and custody of the plaintiff. "It cannot be said," said the Court, "that common experience points more closely to a defect in the oil or lamp attributable to the master than to some carelessness on the part of the servant using it; *prima facie* such negligence will be attributed to the person charged by law with the duty of managing and maintaining the thing causing the injury.

*Explosion in Mine.*—The plaintiff was employed as a labourer under the orders of a certified miner who, upon inspection after firing a blast, directed plaintiff to go in and break up a large stone thrown out and to hasten. Plaintiff struck the rock a few times and by so doing exploded dynamite or a cap, whereby he was blinded. There was evidence that a careful inspection would have disclosed the presence of the explosive. Plaintiff was a certified miner, but had never worked as such. It was held that the doctrine of *res ipsa loquitur* applied, and verdict for plaintiff was allowed to stand.

*Fall of Mine Roof.*—In an action by a coal miner to recover for injuries caused by the fall of slate from the mine roof, it appeared that he had been assigned to work on a pillar of coal abutting the entry in question, and had not been there more than 30 minutes; that he had not removed any coal, and that no act of his could have occasioned the fall of slate; and that it fell from the roof directly over him. It was not disputed that it was