

"Had it not been that the railway company have already, as I am informed, paid very dearly for their offence, a sum probably a hundred times the money they would make out of the freight on such material in a year, the fine which I should impose (the only punishment in my power) would have been a very large one.

"It is, however, right that I should consider and I shall consider the fact, if it be the fact, that the railway company have already paid out large sums of money through this accident and will probably be obliged to pay out further sums. Therefore, if I am furnished in some official form, in such a way that it may go on record, and not be gainsaid at any future time, with evidence that the railway company have expended a large sum, and a statement of the amount they have expended, I shall take that into consideration in fixing the amount of the fine, which I shall in the exercise of my duty impose on this railway company. That cannot be furnished me to-day, I take it, and moreover it is a matter in which I do not want to act hastily. It is not as though a crime had been committed yesterday and must be punished to-day. I want to act with due deliberation and care, as I believe this is about the first case of the kind in our criminal records."

In respect of the first ground urged, namely, that the prime cause of the accident was the defective condition of the explosive, I refuse to give the slightest weight to any such consideration. Railway companies are, for the benefit of the public, granted extraordinary powers, and they must be held to a strict account as to the manner in which they perform the services for the performance of which they are granted such powers. They must be held to know that sometimes explosives, like every other commodity, are not very well made, but defective, and they must entirely satisfy themselves of the safety of what they carry, or use other means for the protection of the public. In my view, it is not too much to require of a railway company, if it persists in carrying explosives, to do so only in cars made for the express purpose, in a train on which no other freight or passengers are carried, and accompanied by a person who understands how to deal with such explosives, if by any chance there should be a leaking or should other trouble ensue. This would cost money—but an accident such as this costs