

wide enough to embrace the duty of inspecting the holes which had been blasted, but I prefer not to rest my judgment on that ground, for apart altogether from the rule, it was the duty of the appellant to take all reasonable precautions to prevent its employees from being exposed to unnecessary danger in the performance of their work; and the question is whether there was evidence that that duty was not performed, and that the death of the deceased was due to the failure to perform it, and in my opinion there was; an inspection of the holes would have shewn that some of them had broken badly and ought to have resulted in their being carefully examined by some person more competent to judge as to their condition constituting a source of danger when new holes were being drilled in close proximity to them, and that source of danger being removed; and if I am right in that view, the death of the deceased was caused by the failure of the appellant to make the inspection.

Upon the whole, I am of opinion that there was evidence to support the findings of the jury, and that the appeal should be dismissed with costs.

MACLAREN, MAGEE and HODGINS, J.J.A., concur.

---