

BUSCHUK v. DANE MINING COMPANY, LIMITED.

**Responsibility—Blasting—Sub-contractor—C. C. art.
1053.**

The company defendant while proceeding to blasting work, had thirteen holes drilled into a shaft and charged then with dynamite. Twelve only went off. The next day the plaintiff and other laborers were sent down to work into the mine. Then, the thirteenth hole having been struck by the pick of one of the men, there was an explosion, and plaintiff was injured. It was held that the company was responsible in damages. The fact that the plaintiff was working for a sub-contractor of the company did not affect the responsibility of this latter.

Plaintiff was working for the company defendant, and, in the course of his employment, he was directed to go with other men into a shaft in which workmen had been blasting the previous day.

Thirteen holes were drilled and charged with dynamite. The blasts were fired, but only twelve went off. The gang to which plaintiff was attached in the mine, the next day, had not been at work long before the pick of one of the laborers struck the hole containing the undischarged dynamite. There was an explosion and plaintiff received injuries that blinded him for life. He sues the company for \$10,000 damages.

Mr. Justice Allard.—Superior Court.—No. 125.—Montreal, October 7, 1918.—Goldstein and Beullac, attorneys for plaintiff.—Brown, Montgomery and McMichael, attorneys for defendant.