

ture, and the blow or punch fell sometimes on the side of the cartridge and sometimes on the metal end in which the "primer" or percussion cap had been inserted. The evidence was that a considerable number of those failures occurred from time to time, and that the injured cartridges were collected and sent away to be "scrapped," or broken up. It seemed to be not an unreasonable inference from the facts proved that in one of those blows that failed a percussion cap was ignited and so caused the explosion. There was no other reasonable explanation of the mishap when once it was established to the satisfaction of the jury that the injury was not owing to any negligence or carelessness on the part of the operator. The wonder really was, not that the explosion happened as and when it did, but that things went on so long without an explosion. Then, too, the jury might have reasonably thought that the explosion would or might have been comparatively harmless if the powder box on the outside had been properly constructed. The learned judges in the Supreme Court appeared to have been much influenced by some decisions in France, which were stated by Mr. Justice Girouard to be "unanimous in exacting proof of a fault which certainly caused the injury." The learned judge had previously observed that "as to the cause of this explosion... we are left entirely in the dark." As recent French decisions, though entitled to the highest respect, and valuable as illustrations, were not of binding authority in Quebec, the learned counsel at the Bar very properly abstained from examining in detail the cases referred to by Mr. Justice Girouard. It was enough to say that although the proposition for which they were cited might be reasonable in the circumstances of a particular case, it could hardly be applicable when the accident causing the injury was the work of a moment, and the eye was incapable of detecting its origin or following its course. It could not be of universal application, or utter destruction would carry with it complete immunity—for the employer. Their Lordships would humbly advise His Majesty that the appeal ought to be allowed, the judgment of the Supreme Court reversed with costs, and the judgment of the Court of King's Bench restored. The respondents would pay the costs of the appeal as in pauper appeals.