must be reasonable evidence of negligence, but where the thing is shewn to be under the management of the defendant or his servants, and the accident is such as in the ordinary course of things does not happen if those who have the management use proper care, it affords reasonable evidence, in the absence of explanation by the defendant, that the accident arose from want of care,'' will not, without more, make a case to go to the jury, I agree with his statement of the law. . . .

[Reference to Lovegrove v. London Brighton and South Coast R.W. Co. (1864), 16 C.B.N.S. 669, 692; Hammack v. Williams (1862), 11 C.B.N.S. 588, 596; Cotton v. Wood (1860), 8 C. B.N.S. 568, 571, 572, 573; Toomey v. London Brighton and South Coast R.W. Co. (1857), 3 C.B.N.S. 146, 150; Patton v. Texas and Pacific R.W. Co. (1900), 179 U.S. 658.]

The inference may be drawn from the happening of the accident, in the absence of explanation by the defendant, that it arose from want of care upon the part of the defendant or his servants, but not necessarily want of care for which the master is responsible to his workmen; the master's duty being to take reasonable care and to make reasonable effort to provide a safe place and safe machinery in which and with which the servant is to work, but not to guarantee that place and machinery shall be absolutely safe. . . .

[Reference to Haywood v. Hamilton Bridge Co. (1914), ante 231, and to the case there cited of Hanson v. Lancashire and Yorkshire R.W. Co. (1870), 20 W.R. 297, and to Ruegg's Employers' Liability Act, 8th ed., pp. 223, 224.]

The case at bar is, I think, distinguishable from these two cases. Here the defect in the chain, if it was defective, was not a latent one; and, although the general superintendent and the superintendent in charge of the work upon which the appellant was engaged were called as witnesses for the defence, it was not pretended by either of them that there had been any inspection of the hoisting apparatus or its appurtenances. . . .

The proper conclusion, in my opinion, upon the evidence, is, that the falling of the bucket and cross-head was not due to any negligence on the part of the appellant or any of his fellow-servants, but was due to three causes: (1) a defect in the cable; (2) the insufficiency of the clip; and (3) the insufficiency of the stop-blocks; that the defect in the cable might and ought to have been discovered if the cable had been properly inspected; that either there was no inspection provided for or the person charged with the duty of inspecting was negligent in the performance of it; that the insufficiency of the clip and the stop-