

be assessed separately. The plaintiffs allege that on the night of the accident, when the engineer blew the whistle for the men to go to work, the bucket was hanging over the open shaft, having been left by the men when they came up at 6 o'clock. The men, believing that the engineer was at his post, and that the brakes and machinery were properly applied stepped into the bucket—four men in all—and it commenced to move, and in a moment fell away, and fell down the shaft. It was stopped by the engineer after it had descended about ninety feet, but the sudden drop, no doubt, threw three of the men out of the bucket, for they were found at the bottom of the shaft, one of them dead, and the other two dying shortly afterwards. The brake, which was supposed to be strong enough to hold any weight that the hoist was capable of lifting, had, possibly by means of wear, become loose, so that when locked in place it was not sufficient to hold the bucket with the men in it. There was some additional means used for holding the bucket in place, namely, a friction clutch, which threw the machinery into gear. If both brake and friction clutch were applied, they together would hold any weight. The engineer stated that the brake was properly locked, but he could not tell the position of the friction clutch. The cause of the accident, no doubt, was that the brake, while locked, was not sufficient to hold the bucket with the men in it, and that the friction clutch was not properly set, and therefore the bucket fell away when the men got in. The plaintiffs allege, (1) that the ladders provided for the men going into the mine were in a defective condition, (a) that they did not comply with the provisions of the Mines Act, (b) that they were insufficient to enable the men to enter the mine in safety. (2) That owing to the defective conditions of the ladders, they used the bucket to go down the shaft, and that the management authorized its use; that the bucket, being a common ore bucket, was unsuitable for the purpose, and the defendants were negligent in not providing a suitable means for the men getting to their work. (3) That the hoisting apparatus was defective in that the brakes were not in proper working order, and had not been in proper working order for some time prior to the accident, to the knowledge of the defendants, or their foreman. The defendants denied negligence, and alleged (1) That as the mine was in process of development, the ladders were as good as could reasonably be expected, and having regard to the mine, that they were suitable for the purpose, and that there was no occasion for the men to use the bucket. (2) That the men using the bucket did