storage room, taking a lantern with him, which, according to his own statement, he set down upon the floor between two and three feet from the bottle which he was about to fill, and then commenced pouring the gasoline into the bottle through the funnel. Some of the gasoline splashed upon the lantern, and the not unnatural result was that there was an explosion and Martin was burned so badly that he died, whilst the entire coalsheds were destroyed.

Martin was an experienced man, and it is quite clear that he must have known the risk he incurred when placing the lantern so close to the flowing gasoline. Another man accustomed to work there and to fill up this bottle during the night time stated that he would put the lamp some ten feet away before attemp'ing to pour out the gasoline. There was no conflict of evidence, and upon Martin's own story it appears to me that the accident was the direct result of his carelessness.

The jury in answer to questions submitted have found that the company were guilty of negligence in not supplying better cans and in not supplying better light; but it appears to me that all these things were not really the cause of the accident. Martin knew what the situation was; he knew what he was working with; and his own carelessness brought about his untimely death.

All this is quite apart from the fact that Martin was himself foreman in charge of the works, and if he had desired other appliances it was his duty to ask for them. It is also quite apart from the fact that there was no reason why the bottle should not have been filled up with gasoline during the day time.

Under these circumstances I think I must dismiss the action. It is manifest from the verdict of the jury that they did not take at all a proper view of the case, as, if there is liability, the damages awarded, one thousand dollars, are entirely inadequate.