

other employees, Cassidy and Orek, were engaged on that work until nearly midnight, when it was completed.

While this work was going on, the deceased was engaged in "levelling down the drift to put down the air pipe," and mucking back.

After the repairing of the timbers was completed, the men ascended for their supper and returned to the mine about 1 o'clock on Friday morning for the purpose of proceeding with the work of drilling. Dementitch then began drilling, and had been engaged in that work for about two hours and a half, when an explosion occurred which killed the deceased and seriously injured Dementitch himself. After he had drilled two holes to the full depth, and while he was engaged in drilling the third and had got in to the depth of 13 inches, the explosion took place. This third hole was being drilled at the distance of about 6 inches from one of the holes that had been previously shot, and there was evidence from which the jury might reasonably infer—as they did,—that the explosion was caused by the drill coming into contact with some of the powder which had been used in charging the neighbouring hole and had not exploded when it was shot.

According to the testimony of Dementitch, when he went down to repair the timbers he looked at the holes that had been "shot," and found that some of them had not broken "very good" and these had broken off except 8 inches or a foot left in the "end of them," which I understand to mean the bottom of them.

How the drill came into contact with the unexploded powder in the neighbouring hole, Dementitch was unable to say; but it is, I think, a reasonable inference that one of these holes was not drilled straight and indeed that would seem to be the only way in which the drill could have come into contact with the powder.

There was no shift boss employed in the mine and no inspection of the drift had been made since the previous Wednesday by the mine captain, and nothing was done by him to ascertain the condition of the drift or of the holes that had been shot before the work of again drilling on the Friday morning was begun. The powder used in charging the holes was forcite, and that kind of powder had not been used before in the mine.

Although there was no evidence that any express order was given to Dementitch to go on with the drilling after the re-