

the Supreme Court Mr. Justice Taschereau, dissented from his four colleagues. The facts of the case might be stated very briefly. On June 10, 1898, the appellant, who was in the service of the respondent company and then about 18 years of age, was seriously injured by an explosion at the company's works. There was no direct evidence to show how the explosion occurred. It seemed to have originated in an automatic machine used for filling shells or cartridges with powder and shot. The appellant and another boy of about the same age, who was his superior, were minding the machine at the time. It was the appellant's duty to keep the shells with which the machine was fed supplied with shot and wads. The explosion was instantaneous. The flash communicated through a supply pipe with a powder box fixed on the outside of the wall of the room in which the machine stood. The box was placed there so that in the event of an accident the explosion might spend itself in the open air. However, for some reason or other, the box had been strengthened externally, and the force of the explosion took effect inwards. The wall was blown in, the machine knocked to pieces, and the room entirely wrecked. On June 9, 1899, this action was brought in the name and on behalf of the appellant, then a minor, by his tutor. The case on behalf of the plaintiff was that the explosion was owing to the fault of the company. The company, on the other hand, denied responsibility and alleged that the mishap was caused by the negligence of the plaintiff himself. The jury found that the explosion occurred through the fault and neglect of the company "by their neglect to supply suitable machinery" and "by their neglect to take proper precautions to prevent an explosion." They also found that the injury of which the plaintiff complained was not "in any way caused by his own fault, neglect, or negligence," and they assessed the damages at \$5,000. The learned judge who presided at the trial reserved the case, as he was authorized to do by the Civil Procedure Code, for the consideration of the Court of Review. That court dismissed with costs a motion on behalf of the company for judgment or a new trial, and confirmed the verdict in favor of the plaintiff. No complaint was made of the learned judge's summing up or the way in which the questions were left to the jury. In Quebec, when an unsuccessful party after verdict moves