

day. At the time of the fire no one else was in the shed, and, apart from the statement made by Martin, there was no evidence to shew how the fire originated or how Martin was injured. The defendant company obtained from Martin a statement in writing as to the cause of the accident, and this statement the defendants put in evidence at the hearing. From the statement and from the evidence given on behalf of the plaintiff the whole occurrence is made abundantly plain.

The gas engine was operated by natural gas, but sometimes there was difficulty in starting it up; so that a quantity of gasoline was kept for the purpose of priming the engine. This gasoline had usually been supplied in five-gallon lots, and until recently had been contained in a five-gallon can. For some reason, a short time before the accident, the five gallons had been supplied in a ten-gallon can. This can had a central neck from which the gasoline could be poured into a smaller vessel for use. During several years the gasoline required for immediate use had been poured from the large can through a funnel into a discarded beer bottle. The quantity contained in this bottle was sufficient to meet all the requirements of the engine for 24 hours. The gasoline itself was stored in this can in the corner of a shed underneath the storage bin. This was lighted by a window in the day time. In the night, this storage room was entirely dark. The other parts of the premises were lighted by natural gas, the reason assigned being that the electric light plant of the town was only operated until 1 a.m. and the operation was not resumed again until the morning.

All the coal that had arrived at Blenheim had been hoisted into the bins, and there was nothing for Martin to do save to be in attendance to give fuel to any engine which might arrive during the night. Some further coal was expected but had not in fact arrived. When the man in charge during the day left the place, the beer bottle was three-quarters full of gasoline, and the can had about two gallons left in it.

According to Martin's account he went to fill up the bottle with gasoline. The reason for his doing so is by no means apparent, as he had more than enough gasoline; even assuming that the coal arrived and that he undertook to hoist it in the night time. However, he went into the dark