

THE POWDER MAGAZINE LAW.

THE CHAIRMAN—Some time ago, when the Association was discussing the powder license question, the point was incidentally introduced that as the law stood at present no mining magazine in the province was constructed according to the Act, and that any accident would probably render the owners responsible for damages in the event of loss of property or lives, as well as render them liable at any time to the payment of a fine for not complying with the requirements of the Act. At the time, this suggestion received scant consideration, as it was generally considered by those present that the Act was not intended to cover the storage of mining explosives, but rather was meant to regulate the storage and sale of explosives in the neighborhood of large cities. Some time ago one of his workmen was slightly injured by an explosion of the powder house during a thunderstorm, and he brought an action to recover damages. A judgment was given in our favor in the court of first instance, on the ground that the non-compliance with the Act above referred to, subjected the company to a fine for such non-compliance, but did not render us liable to damages for injuries resulting therefrom. In the Court of Review, however, judgment had recently been given reversing that of the court below, on the ground that notwithstanding the fact that the accident was caused by lightning, and, therefore, beyond our control, still that his company was responsible for the damage because they had not erected a powder magazine in accordance with the terms of the Act.

MR. MITCHELL—If lightning struck a building built according to this law at your place, what would have been the result?

MR. HOPPER—Great destruction of life and property would have been inevitable.

MR. KLEIN—I saw the report of Provincial Revenue Inspector Poston, when he was around inspecting the powder houses. He recommended the present style of powder house, built of boards and shingles, as the only proper style. The Government has evidently accepted this opinion of Mr. Poston and have issued licenses for 1891 on this report.