BRITTON, J. NOVEMBER 20TH, 1914.

*OSKEY v. CITY OF KINGSTON.

Alien Enemy—Residence in Ontario—Action Begun before War—Right to Continue—Proclamation of August, 1914—Negligence—Death of Husband and Father of Plaintiffs from Electric Shock—Liability of Employer—Failure to Protect Electric Lamp—Liability of City Corporation Supplying Electric Current—Evidence—Onus—Damages.

Action by Julia Oskey, the widow of John Oskey, and by her three infant children, against the Corporation of the City of Kingston and the Frontenac Floor and Wall Tile Company Limited, to recover damages for the death of John Oskey by reason of the negligence of the defendants or one of them, as the plaintiffs alleged.

The action was tried without a jury at Kingston.

A. B. Cunningham, for the plaintiffs.

J. L. Whiting, K.C., and W. R. Givens, for the defendant city corporation.

J. M. Godfrey, for the defendant company.

BRITTON, J.:—The deceased was a workman in the employ of the Frontenac Floor and Wall Tile Company Limited. On the day of his death, he was at work in the company's building, and was asked by the assistant manager to hand to him an electric lamp, which was attached to an extension cord. The deceased, in complying with the request or order, picked up the electric lamp, and immediately received an electric shock causing his almost instant death.

The plaintiffs allege negligence on the part of the company in the arrangement of this portable lamp, and particularly in not having a wooden or some other non-conducting handle, or in not having the lighting wire properly insulated, or in not having the wire screen now covering the glass bulb so insulated that such an accident as happened in the present case could not occur.

The plaintiffs also allege that the Corporation of the City of Kingston was guilty of negligence that caused the death of Os-

*To be reported in the Ontario Law Reports.