

whipping, or of unlawful wounding, which I rather infer from what the foreman of the last jury said when interrogated by the Judge, was what that jury really meant to find, and so in the end justice is likely to be done.

MEREDITH, J.A., gave reasons in writing for the same conclusion.

MOSS, C.J.O., GARROW and MACLAREN, JJ.A., concurred.

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SCOTT, LOCAL MASTER.

DECEMBER 16TH, 1907.

CHAMBERS.

O'MEARA v. OTTAWA ELECTRIC CO.

*Parties—Joinder of Defendants—Negligence—Joint Liability—Pleading.*

Motion by the defendant company, in an action brought by Catherine O'Meara, administratrix of the estate of Philip O'Meara, deceased, against the company and John Labatt, for an order requiring the plaintiff to elect against which of the defendants she would proceed.

G. F. Henderson, Ottawa, for the defendant company.

W. Greene, Ottawa, for defendant Labatt.

Harold Fisher, Ottawa, for plaintiff.

THE LOCAL MASTER:—This action is brought to recover damages for the death of the plaintiff's husband. Deceased was an employee of defendant Labatt, a brewer, and was killed by an electric shock received while operating a machine for washing bottles, driven by electricity supplied to the premises by the defendant company.

Paragraph 9 of the statement of claim reads as follows: "9. The plaintiff says that the condition of affairs by which electricity reached the said brush and killed the said Philip O'Meara, resulted from the negligence of both defendants, and claims that both defendants are jointly liable for the death of the said Philip O'Meara."