from a time anterior to the wind-storm; and any reasonable inspection ought to have discovered it without difficulty.

I am also, after careful reflection, impelled to the view that the contact at Union street was caused by the Bell Telephone Company's employees. . . .

Assuming, then, that I have rightly apprehended the facts, and that the death . . . was the result of two independent acts of negligence on the part of the respective defendants, and that each act would have been innocuous save for the other negligent act, what are the rights of the parties? . . .

[Reference to Mills v. Armstrong (1888), 13 App. Cas. 1; Thorogood v. Bryan (1849), 8 C.B. 115.]

As, under our Rules, the plaintiff is permitted to join as defendants those against whom he is entitled to relief, either jointly or severally, some of the difficulties existing under the earlier practice have disappeared. Yet it is important to bear in mind that the defendants cannot be regarded as joint tort-feasors. . . .

[Reference to Clerk and Lindsell on Torts, 6th ed., pp. 66 *et seq.*; Petrie v. Lamont (1842), Car. & Marsh. 96; Halsbury's Laws of England, vol. 27, para. 956; Atchison Topeka and Santa Fe R.W. Co. v. Calhoun (1908), 213 U.S. 1; Rickards v. Lothian, [1913] A.C. 263; Sault Ste. Marie Pulp and Paper Co. v. Myers (1902), 33 S.C.R. 23, 32; Fralick v. Grand Trunk R.W. Co. (1910), 43 S.C.R. 494, 534.]

I think the real test is that indicated in Dominion Natural Gas Co. v. Collins, [1909] A.C. 640, where, at p. 646, it is said: "It has, however, again and again been held that in the case of articles dangerous in themselves, such as loaded firearms, poisons, explosives, and other things ejusdem generis, there is a peculiar duty to take precautions imposed upon those who send forth or install such articles when it is necessarily the case that other parties will come within their proximity. The duty being to take precaution, it is no excuse to say that the accident would not have happened unless some other agency than that of the defendant had intermeddled with the matter. A loaded gun will not go off unless some one pulls the trigger, a poison is innocuous unless some one takes it, gas will not explode unless it is mixed with air and then a light is set to it. Yet the cases of Dixon v. Bell (1816), 5 M. & S. 198, Thomas v. Winchester (1852), 6 N.Y. 397, and Parry v. Smith (1879), 4 C.P.D. 325, are all illustrations of liability enforced. On the other hand, if the proximate cause of the accident is not the negligence of