that two distinct causes of action were joined, trespass to land and assault, and with the former the daughter-plaintiff had no concern. The action should be confined either to an action for the trespass by the mother alone or to an action for the assault by both plaintiffs; in the latter event, if any claim was being made for the expenses caused by the daughter's illness, details should be given, as this was a matter of special damage. The plaintiffs to elect accordingly. Reference to Bank of Hamilton v. Anderson, 7 O.L.R. 613, 8 O.L.R. 153; Agar v. Escott, 8 O.L.R. 177. A. J. Russell Snow, K.C., for the defendants. A. T. Hunter, for the plaintiffs.

DAVIDSON v. TORONTO R.W. CO.—DIVISIONAL COURT—DEC. 15.

Master and Servant—Injury to Servant—Negligence—Finding of Jury—Evidence—Negligence of Fellow-servant not in Superintendence.]—Appeal by the defendants from the judgment of MULOCK, C.J.Ex.D., upon the findings of a jury, in favour of the plaintiff, in an action by a linesman employed by the defendants on their tower repair-waggon, for damages for injuries sustained, as the plaintiff alleged, by reason of the breaking of a guy wire while he was repairing a broken connection in the trolley line, whereby he was thrown to the ground. The plaintiff's damages were assessed at $975, and judgment given for that amount, with costs. The only negligence found by the jury was that of the defendants' foreman, Sullivan, in not seeing that the ties of the guy wires with the wood-strain were safe. It was a defect in the making of one of these ties by McEachern (the plaintiff's fellow-workman) which caused the accident. Each guy wire was temporarily attached to the wood-strain by being passed through an opening and then twisted around itself. If properly twisted, the wire could not pull out. The wire which did pull out could not have been securely twined over itself, and the negligence found was that Sullivan did not observe that the tie was insecurely made. The judgment of the Court (BOYD, C., LATCHFORD and MIDDLETON, JJ.) was delivered by LATCHFORD, J., who said, after briefly stating the facts, that the plaintiff had suffered not from any negligence of the foreman, who did not see, and, if he saw, could not have noticed, the defect in the tie, but from the negligence of his fellow-workman, McEachern. Appeal allowed and action dismissed. No costs. D. L. McCarthy, K.C., for the defendants. E. E. A. DuVernet, K.C., for the plaintiff.