the electric company for a period of about 15 years, during which all appeared to be right and proper, and the jury expressly exonerated the foreman Hillis, who was in charge of the work at which the deceased was engaged when he met his death, from any negligence which caused the death.

This absolves the company from any charge of knowledge of the insulation having become defective.

The case, therefore, appears to resolve itself into one in which there was nothing more in the first instance on the part of the defendants the railway company than the giving permission to string properly insulated high voltage wires on their poles.

There is an absence of any further finding against these defendants, bringing home to them negligence which led to the death.

On the ground that actionable negligence has not been made out against these defendants, their appeal should be allowed.

This conclusion renders unnecessary any discussion of the claim for indemnity, but I do not, as at present advised, dissent from the view taken by my brother Garrow on this branch of the case. The case in this respect appears to be different from that of Sutton v. Town of Dundas, in which judgment was given to-day (ante 126.)

The result is that the appeal of the defendants the railway company is allowed, and the action dismissed as against them, with the costs properly taxable against the plaintiff; and that the appeal of the defendants the electric company is dismissed with costs. There will be no costs of the third party proceedings, or of the appeal in respect thereof, to or against any of the parties.

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

OSLER and MACLAREN, JJ.A., also concurred.

GARROW, J.A., was of opinion, for reasons stated in writing, that the plaintiff was entitled to retain her judgment against both defendants, but that the railway company were entitled to a remedy over against their co-defendants.