

E. F. B. Johnston, K.C., and D. Inglis Grant, for the Corporation of the Town of Oakville.

D. L. McCarthy, K.C., and F. M. Burbidge, for the Bell Telephone Company of Canada.

MIDDLETON, J.:—George Garfield Till, on the 13th April, 1913, while carrying a portable electric light lamp in the cellar of the Murray House, an hotel in the town of Oakville, received a shock from a high voltage current which had improperly obtained access to the lighting wires—resulting in his immediate death. This action is brought by his widow on behalf of herself and his infant children. . . . She claims against both the town corporation, which operates, through a commission, the electric lighting of the town by high voltage current and the supply of low voltage current for the lighting of residences, and the Bell Telephone Company of Canada. . . .

Till's death took place early in the morning of Sunday the 13th April, 1913. . . . A man named Harker had met his death in a somewhat similar way on Friday the 11th. Harker's death was supposed to have been occasioned by the escape of the street-lighting current; and for the safety of the inhabitants of the town the street-lighting current was off from the evening of Harker's death until after the happening of the accident to Till. This indicated that the current which caused Till's death must have escaped from the house-lighting primaries to the street-lighting circuit in some way.

A thorough investigation followed, with the result of the ultimate location of the trouble upon an electric light pole at the corner of Second avenue and Union street. . . . Nothing could well be more dangerous than placing a pole of a high voltage system immediately below and midway between a span of telephone wires. Furthermore, this pole was at such a height as not to afford an adequate clearance to the telephone wires. . . .

I think that negligence on the part of the town corporation existed both in the state of affairs found opposite the Murray House and in the state of affairs existing at Union street, and that there was negligence both in construction and in inspection, particularly in view of the serious storm which it was known had, to some extent at any rate, disarranged the service, and in view of the notice afforded by the electrocution of Harker on the preceding Friday. I am inclined to think that the contact in front of the Murray House must have existed