

somebody should not be forced into experimental actions to discover where the liability rests, unless the joinder of parties is clearly unauthorised. The statement of claim here is not all that could be desired, but it is more specific than the points of claim held to be sufficient in the Houlder case, hereinafter referred to. It is quite clearly to be gathered from the plaintiff's statement that she claims to have a cause of action (a) arising out of a series of occurrences with which both defendants are alleged to be connected, (b) for which one or other of these defendants is responsible, (c) or for which they are jointly liable, and that (d) she is in doubt as to who is responsible for the damage.

The last point is perhaps the clearest, because, from the very nature of the circumstances shewn, it must remain uncertain until the trial who put in action the destructive agency which killed the plaintiff's husband; and this point is conclusive of the plaintiff's right to join the defendants upon the express authority of Con. Rule 192, now Rule 67. See also *Symon v. Guelph and Goderich R.W. Co.*, 13 O.L.R. 47. If there is a joint cause of action, of course the plaintiff has a right to join the wrongdoers: *Hinds v. Town of Barrie*, 6 O.L.R. 656, and the *Symon* case, which shews too that the right against one may be founded upon contract and the other be independent of it. And upon the prominent question, namely, as a series of connected transactions for which one or other of the defendants are liable, the law seems to be now clearly established that the plaintiff has a right to prosecute a joint action. See *Compania Sansinena de Carnes Congeladas v. Houlder Brothers and Co.*, [1910] 2 K.B. 354, following *Frankenburg v. Great Horseless Carriage Co.*, [1900] 1 Q.B. 504, and *Buller v. London General Omnibus Co.*, [1907] 1 K.B. 264, and expressly recognising *Child v. Stenning*, 5 Ch. D. 695.

It was understood upon the argument that I need not deal with the question of particulars, and the motion is disposed of without prejudice to a motion later on. The defendants the Bell Telephone Company will have eight days for delivery of a statement of defence.

The appeal is dismissed with costs.