

way company, and the deceased had ascended it in the performance of work he was doing as an employee of the railway company.

On the argument of the appeals, counsel for the electric company said that he did not now dispute this finding.

It is scarcely open to question that this finding involves the defendants the electric company in the happening of the accident. The wire and hanger with which the deceased came into contact, thereby forming the circuit, being the property of the defendants the electric company, and having been placed there by them, the death was, to that extent at least, due to their action.

The jury further found the reason of the circuit. After finding that the death was caused by the negligence of both defendants, they, in response to the question, "If so, what negligence do you find—state fully and state all the negligence which, in your opinion, caused the death?" answered: "(a) Wires not properly insulated; (b) space between primary wires insufficient." These findings were applicable only to work done by the defendants the electric company, and if the pole had been their property, and the deceased was lawfully upon it, would have rendered them solely responsible for his death, in the absence of contributory negligence, against which the jury have found. There is evidence amply sufficient to justify these findings. Upon what grounds, then, can these defendants expect to be freed from liability to the representative of the deceased? There is no other finding of the jury which affords them any assistance. The findings that the defendants the railway company were negligent in allowing the electric company to string high voltage wires on the pole, and that the electric company's use of the pole was with the knowledge and consent of the railway company, cannot affect the position of the plaintiff. The deceased had not, and neither has the plaintiff, anything to do with the nature of the arrangement, if any, between the co-defendants, and the jury have negatived the claim that the system of placing their wires and hangers adopted by the defendants the electric company was the most proper or best system for securing against danger to persons working among them.

The facts being that the spacing between the primary wires was insufficient to enable a man to pass through them in safety in case of the insulation being defective, and of their carrying such a high voltage as the wire in question