

9th and 14th paragraphs of the petition of right, and from order of the Master in Chambers, ante 522, refusing to allow the suppliants to amend the 14th paragraph.

J. H. Moss, for the suppliants.

N. Ferrars Davidson, for the Crown.

TEETZEL, J., allowed the appeal from the second order, holding that there was power to make the amendment, and that it should be made. In view of the amendment, the particulars would not be necessary. Costs of both appeals to be costs in the cause.

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BOYD, C.

OCTOBER 22ND, 1907.

TRIAL.

EDE v. CANADA FOUNDRY CO.

LYNN v. CANADA FOUNDRY CO.

*Master and Servant — Injury to Servant and Consequent Death—Negligence—Finding of Jury—Inconclusive Verdict—Failure to Establish Cause of Injury—Evidence—Dismissal of Action.*

Actions to recover damages for the death of a person employed by defendants while engaged in construction work, plaintiffs alleging that the death was caused by the negligence of defendants.

BOYD, C.:—The plaintiff and one of his witnesses attributed the accident by which the deceased was killed to the car going off the track at the end of the rail taken up for the purpose of placing the gauntry leg in position, but this view the jury did not accept. The rest of the plaintiff's witnesses and the defendants' witnesses could not account for the accident, and the jury at the trial, like the coroner's jury, were unable to place legal liability upon anybody. They deliberated for more than 4 hours, from 6 to after 10 p.m., and put in writing their conclusions, pursuant to my request. The finding is as follows: "We be-