

The defendants appear to be acting in good faith; they set up a claim which may prove to be valid; they ask to have it tried now; it is a convenient time; the plaintiff does not object; and the Rule, in my opinion, is intended to cover such a claim.

The third party will have 8 days to enter an appearance.

The motion will be dismissed with costs to the plaintiff and defendants in the cause.

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LENNOX, J., IN CHAMBERS.

DECEMBER 9TH, 1913.

TILL v. TOWN OF OAKVILLE.

*Parties—Joinder of Defendants—Cause of Action—Connected Transactions—Joint Liability—Doubt as to which Defendant Responsible for Death of Plaintiff's Husband—Alternative Claim—Rule 67.*

Appeal by the defendants the Bell Telephone Company of Canada from an order made by the Master in Ordinary (sitting for the Master in Chambers), on the 21st October, 1913, dismissing the appellants' motion for an order striking their name out of the action as defendants and all allegations in the statement of claim against the appellants, on the ground that they were improperly joined as defendants, or for an order requiring the plaintiff to elect against which of the defendants she would proceed, and for other relief.

The action was brought against both defendants to recover damages for the death of the plaintiff's husband by an electric shock from the wires by which a current for the supply of electric light was conducted by the defendant municipal corporation into the houses of citizens, but said to have been caused by the wires of the defendant company crossing the electric light wires.

H. A. Burbidge, for the appellants.

D. Inglis Grant, for the defendant municipal corporation.

M. H. Ludwig, K.C., for the plaintiff.

LENNOX, J.:—It cannot prejudice the defendant company that there will be a chance at the trial of throwing the liability upon the defendant corporation, and the converse may be said of the corporation. A plaintiff who has a bonâ fide claim against