

key. That corporation is the owner of the power plant that supplies electricity to the company named, to the extent of 110 volts, for lighting purposes.

The plaintiffs charge that the city corporation negligently allowed the wire which carried the current of electricity for lighting purposes to the works of the defendant company, to become foul with a wire of a much higher voltage than 110 volts. This higher voltage caused the electric light wire to be overcharged, and caused the wire screen covering the lamp to be heavily charged, and by reason thereof the deceased was killed; and so the plaintiffs claim to be entitled to recover damages from the city corporation.

I find that the death was occasioned by an electric shock caused by the electric current, carried by the wire to the factory of the defendant company for lighting purposes.

Immediately after the accident, the city employees made what, in my opinion, was a careful inspection, and found nothing wrong. No defect in the plant of the city was found.

I fully recognise that an electrical company, or any city, town, or village corporation maintaining electric wires over or by which a high voltage of electricity is conveyed, is under the duty and obligation of using every means known to them, and to those having expert knowledge, to render the wires safe for those using premises wired for electricity, and for those working or having occasion to be in close proximity to these wires. As to the city corporation, I have placed the burden of proof upon it; and, in my opinion, the onus has been satisfied.

The plaintiffs have not established their allegation that the death of John Oskey was "caused by the negligence of the defendant the Corporation of the City of Kingston in failing to exercise the proper caution required by concerns engaged in supplying power and light, and in allowing a dangerous volume of electricity to escape from its system along the electric lighting wire with which the portable lamp was connected."

The action as against the city corporation will be dismissed.

The defendant company was negligent, and its negligence occasioned the death of Oskey. Oskey, as an employee about his work, did what was required of him, and in doing so received the shock.

The negligence of the company—of the overseer—was in not testing the insulation of the wire to see if it was properly insulated, and if found defective in not having that defect remedied. There was further negligence in not having a wooden