

fluid, although it has no other connection with the company which uses it and does not own the wires employed. In the case referred to, the plaintiff's intestate was injured by coming in contact with a naked wire, used by an electric street railway, but charged by the defendant company to enable the railway to run its cars. A guy wire had broken loose and, because it was not properly insulated, had caused the decedent's death. It was held that the defendant gas company was liable, for it furnished a fluid which it knew was highly dangerous to life and limb, the supply was wholly under its control, and it was bound to take care commensurate with the danger. The court rightly distinguishes the case of a power company supplying electricity to a railway, from sales of storage batteries charged with electricity, powder or other dangerous substances, where complete control is transferred to the buyer.

Thus far we have considered the liability of those whose acts or omissions contribute directly to the injury complained of. The courts have shewn an inclination to extend the liability to the municipality itself, which has permitted its streets to become dangerous by the exposure of live wires. The city has been held answerable where it allowed a telephone wire to remain across and near to a sidewalk, to the damage of a pedestrian; and a similar result was reached in the instance of a municipality which failed to use more than ordinary care to inspect overhead wires located in close proximity to electric light wires, and liable to come in contact with pedestrians. The fact that the company operating the wires was also liable was considered insufficient to exonerate the borough. Under a statute rendering the city liable for defects in public highways, the municipality was subjected to damages, where a child ran against a live electric wire, which was hanging over the sidewalk.

The law as developed in the foregoing cases has dealt with the escape of electricity from wires which are broken or not insulated; but the same results have been reached where the escape has occurred from defective appliances other than wires. If the current is sent along the rails of a street railway and the joints are not properly connected, whereby an escape of the electrical fluid follows, the railway company is held responsible to one who suffers injury; as it is, also, in the instance of a passenger on an electric street railway who is shocked by escaping electricity while passing from a forward car to a trailer.