

an occurrence is one that must be expected as at least possible. So much is this the case that hundreds of thousands of dollars are being spent in the adjoining republic in providing safeguards against the effect of such an accident. If the wire carrying such a current were to fall, in an instant immense damage might—almost certainly would—be done to the property of the plaintiffs, and many lives might be sacrificed—lives of employee or customer. Moreover, as soon as the wires are strung and the current turned on, it will be dangerous to the lives of employees of the plaintiffs engaged on the poles, and just such an accident will be likely to occur as was the subject of the action of *Randall v. Ottawa Electric Co.*, 6 O. L. R. 619, 2 O. W. R. 1022, 34 S. C. R. 698.

I know it is not unusual to scoff at the likelihood of such a calamity; and those who desire to guard against it are called alarmists, especially by those who would be called upon to spend money. In my humble judgment, one of the worst features of our modern Canadian civilization (I do not say anything of other countries) is the too common disregard of precaution against danger to human life and limb—and I have no doubt that if any one had in advance of the “accidents” which horrified the country during the summer just past, raised his voice against the practices which resulted in these tragedies, his warning would have been laughed at, and “crank” would have been the mildest epithet fastened on him. The plaintiffs, nevertheless, have a right to see that their employees and their customers shall not be placed in peril of their lives. It must be obvious, too, that custom would be quickly lost, if the customer, actual or intended, were to know that at any time a live wire might fall upon that of the company and death and destruction follow.

“Commercial necessity” is pleaded by the officers of the defendants for this course. “Commercial necessity” not uncommonly is synonymous with “financial parsimony”—and it plainly is so in this case. An expenditure of not more than \$2,500—I should judge much less—would insure a perfectly safe method of construction under ground.

But it is said that the construction has been approved by the town council, and that the town council is the final