

strung along the poles of an electric street car line, was rubbed by a private wire belonging to a third party until the insulation was worn off, and the private wire came in contact with a traveller and killed him. In a well reasoned case, decided by an Arkansas court, the doctrine governing the above cases is stated to be, that every man must use his own property in such a manner as not to interfere with and injure his neighbour. The court drew an analogy between the case at bar, where a telephone wire sagged and broke, thus coming in contact with the defendant company's trolley, and cases in which the owner of a ferocious animal fails to keep it upon its own premises, and to those in which the owner of reservoirs, located upon his land, does not prevent their bursting and discharging their contents on another's property. The court say: "This duty (of the defendant company) is not limited to keeping their own wires out of the streets or other public highways, but extends to the prevention of the escape of the dangerous force in their service through any wires brought in contact with their own, and its transmission thereby to any one using the streets. Only in this way can the public receive that protection due it while exercising its rights in the highway in and over which electric wires are suspended." In one jurisdiction a limitation has been placed upon the duty of the owner of heavily charged wires, which is, that unless such owner might reasonably have foreseen the contact between his and other lines, there is no liability.

A distinct class of cases is presented where the breaking of the wires would not, of itself, be accompanied with danger, but because of an act of God (as, a severe thunder storm) the wires become highly charged with electricity and inflict damage to persons on the highway. In an action by a traveller who was injured by an electric shock while riding along a public highway on a dark evening, by coming in contact with a telephone wire of the defendant which for several weeks had been allowed to hang over the road, within so short a distance of the ground that travellers would necessarily come against it, he was permitted to recover from the telephone company, where it was admitted that the wires were highly charged with electricity, owing to a thunder storm then raging. The defendant's negligence was deemed the proximate cause of the injury.

An interesting question has recently been litigated, involving the responsibility of the company which furnishes the electrical