

TELEPHONE WIRES—INSTALLATION IN SUBWAY—GRADE SEPARATION AT RAILWAY CROSSING.

Where a grade separation has been ordered and a city street is lowered in the public interest, so as to go under the railway line by subway, a telephone company having overhead wires on the street is not entitled to receive compensation from the railway or the municipality for the expense of moving and relocating the telephone line.

Bell Telephone Co. v. Can. Pac. Ry. Co., Grand Trunk Ry. Co. and Toronto (Brock Avenue Subway Case), 14 Can. Ry. Cas. 14, 5 D.L.R. 297.

ELECTRIC LIGHT AND TELEPHONE WIRES—INSTALLATION IN SUBWAY.

Where grade separation has been ordered and city streets are lowered, in the public interest, so as to go under the railway lines by subways, public utility companies having telephone and electric light overhead wires on the streets should bear the entire expense of putting these wires underground except their long distance telephone wires which may be carried overhead. [Bell Telephone Co. v. Grand Trunk, Canadian Pacific Ry. Cos. and Toronto (Brock Avenue Subway Case), 14 Can. Ry. Cas. 14, 5 D.L.R. 297, followed.]

Toronto Electric, etc. v. Can. Pac. Ry. Co. et al. (North Toronto Grade Separation Case), 15 Can. Ry. Cas. 309.

ELECTRICITY—TESTS AND INSPECTION.

An electric power company stringing its wires by statutory authority upon the public streets at a time when no other wires were there, is under no duty to inspect the wires periodically for the purpose of seeing that no other wires had subsequently been placed in too close proximity to their own wires and so avoiding injuries which might result to persons handling the dead wires of another company should the latter become charged by close contact with the power wires.

Roberts v. Bell Telephone, etc., Cos., 10 D.L.R. 459, 24 O.W.R. 428.

DESTRUCTION OF BUILDING BY FIRE—LACK OF SAFETY DEVICES.

Negligence sufficient to render an electric company liable for the destruction of a building from fire originating from an electric current of abnormally high voltage being carried upon wires leading into the building, may properly be inferred from the fact that several hours before the fire the company's high voltage wires became crossed with low potential service wires on the same poles, which trouble had been corrected prior to the fire; where it also appeared that the use of a simple safety device by the electric company on the pole nearest the building would have prevented the abnormally high current entering it, and that the electrical installation for the service of the burned building was not defective.

McElmon v. British Columbia Elec. Ry. Co., 12 D.L.R. 675.

SENIOR AND JUNIOR—CONSTRUCTION—HIGHWAY CROSSINGS—RIGHT-OF-WAY.

Where the wires of a telephone company crossing the line of a railway company, which is changing its system of operation from steam to electricity, require to be raised, the railway being senior in construction, the telephone company must bear the cost of raising its wires where the fee of the property crossed is in the railway company, but at highways where the only right of the railway company is to cross with its tracks, the telephone company is senior with its construction to the railway company's new overhead wires and the latter must bear the cost of raising the tel-