

second company. The ground for this rule is that the owner of the lower wire should not attempt to operate its business with a dangerous wire in contact with its own and hanging in the highway; and furthermore, it should anticipate the possible fall of superior wires, and guard its own lines therefrom by proper appliances. If the fall of the upper wire is due to the carelessness of the owner of the lower, the reason for the liability is evident; the negligent act is the proximate cause of the injury. So where the servants of a street car company allow the trolley pole to fly up against an overhanging telephone wire, breaking it and causing it to fall upon the trolley, the railway company is liable if it continue to operate its lines without attempting to remove the fallen wire, which is now threatening danger to the public because of its contact with the trolley.

But the theory under which liability is fixed, in most instances, upon the owner of the lower and heavily charged wire is, that it has assumed to use a highly dangerous agency and it should take due precautions to prevent the injury to travellers, whether the dangerous condition is produced by itself, as in the cases last referred to, by a stranger or by the act of God. Hence, where a violent storm threw down telephone wires (which are usually charged with feeble currents) upon trolley wires of a street railway company, and the latter knew of the condition of its lines in time to remove the danger, but nevertheless continued to run its cars without clearing away the obstructions, it was held liable for the death of a horse which was driven against one of the depending wires. Likewise during a terrific storm, the defendant's electric light wire grounded and lay for about three and one-half hours in this condition. The deceased, seeing the wire, which was not charged with electricity, seized it and attempted to throw it off the sidewalk; but in so doing snapped it against a live wire and received a fatal electric shock. The defendant company was held to answer for negligence. In another instance, the span wire of the defendant railway company broke and swung around to the point where the plaintiff was standing. Coming in contact with his head, it burned out his eye and delivered a powerful electric shock. The defendant railway was held liable in not sufficiently guarding its trolley from the fall of other wires upon it; and a telephone company was held answerable in damages where one of its insulated wires which ran parallel to the curb of a public street and was