

immediately, is not conclusive against the electrical company, but must be passed upon by the jury in the light of all other circumstances in the case ; as, for example, the prevalence of a violent storm, the time of day or night when the wires fell, the number which fell and their distance from each other. If, under all the facts in the case, the company has used the highest degree of care and diligence practicable under the circumstances, and in despite thereof and solely because of some latent and unknown defect not discoverable by reasonable examination, the wire breaks and falls, there is no liability on the part of the owner of the wire."

A more difficult question is raised where there are two wires involved, one (harmless in itself) suspended near another which is charged with a heavy current, the former breaking and falling upon the latter, thus conveying its deadly current to the ground. Where this occurs, the courts have very generally held the owner of the broken wire responsible, if the accident can be traced to his neglect. Thus, where the defendant's agents left the defendant's wire hanging down over an electric light wire, and the plaintiff was injured by contact with the former, its owner was held liable." And a telegraph company was held to answer in damages because it negligently allowed its wires to rot, to the extent that they readily broke and fell upon electric light wires, causing injury to travellers along the highway. In another case, a guy wire, used by an electric light company, and which was entirely harmless, broke and hung in contact with the feed wire of an electric railway company. A traveller along the highway grasped the end of the guy wire, as it hung over the sidewalk, and was killed. The electric light company was held liable for his death. In an action for injuries to the horses of the plaintiff coming in contact with a small and weak telephone wire which had been insecurely suspended near a trolley wire, and which broke and fell to the highway, it was held the telephone company was liable, for it had failed to secure its wire properly, and it was guilty of further negligence in allowing the wire to remain hanging in contact with the trolley wire, and threatening injury to the public.

The two cases last cited announce another and most important doctrine, which is, that not only may the company be liable whose wire has negligently been permitted to fall, but an action lies against the company across whose wire the line of the other has fallen, though the fall was in nowise due to the carelessness of the