been made to frame a rigid rule of law, requiring the electrical company to guard its wires from contact with other lines, and holding it negligence per se if it does not do so. This has elsewhere been repudiated as a test of negligence, the courts saying, "I find no evidence that such guard wires are either necessary or usual in the construction of single trolley lines for propelling street cars;" and holding that the true test is: "Ought men of ordinary intelligence and prudence engaged in operating the street railway in question to have reasonably expected that the telephone wire in question would be likely to come in contact with its trolley wire at the place in question, and occasion injury to persons lawfully using the highway crossed by said telephone wire?"

While the courts have thus required only the exercise of reasonable care upon the part of the company, they have also held, that it is prima facie liable for negligence where the accident was apparently due to the escape of the electric current and injury occurred to a traveller lawfully upon the public highway. The presumption thus raised by an application of the maxim res ipsa loquitur is prima facie only and may be rebutted by proof that the defendant company was actually in the performance of due care under all the circumstances of the case.

Finally, courts have been called upon to say what will constitute contributory negligence on the part of those who come in contact with live wires in highways. If the contact is involuntary and accidental, no such objection to recovery can arise; and even though it be voluntary, this will not preclude recovery, unless it appear that the party injured knew of the dangerous character of the wire, or might reasonably have inferred the fact from seeing the emission of sparks from it, or the burning of objects which it touched."—*Central Law Journal*, of St. Louis, Vol. 56, p. 485.