

changed into a death trap, by the breaking of a wire, the destruction of the insulating material, or the induction of a current from some unexpected source. Because of the utter impossibility of anticipating every freak which this subtle fluid may perform, the courts have generally held that companies employing electricity upon public streets are not insurers against all accidents therefrom. It becomes necessary, therefore, to determine in what classes of cases liability may be imposed upon corporations or individuals who utilize electricity upon or along public thoroughfares, in respect to injuries from such use. We lay out of the discussion all cases involving injuries to employees, as well as accidents to persons or property from electric wires upon buildings; injuries (not due to electric shock) resulting from contact with fallen wires; and electrolysis of gas and water pipes.

The simplest case which has come before the courts is that in which a corporation maintains a heavily charged uninsulated electrical wire near to a highway, and within a easy reach of travellers. Where such exists, there is a *prima facie* case of negligence; and it has been held that where a person is found dead at the foot of the pole on which such wire is suspended, with a fresh burn upon his hand and his body otherwise in a sound condition, there is a sufficient case for the consideration of the jury. This liability, however, does not follow from the mere fact that a live wire is left exposed. If it is so far removed from the line of travel that the owner could not reasonably foresee contact between it and one who uses the highway, there is no responsibility for accidents. Thus, where an uninsulated wire was placed upon an awning in front of a building, the awning being 16 feet above the street and evidently not intended as a place of resort, and the deceased went upon it to assist his father (who had been shocked while attempting to raise the wires so as to allow the passage of a house he was moving along the street), and in doing so the deceased was killed by the electrical current, the owner of the wires was held not answerable for the occurrence.

A further extension of the liability has been made where the owner of the wire abandons it under circumstances which render it possible it will be removed by a third party and placed in a dangerous proximity to the highway. Where a telephone company ran its wires over the poles of an electrical railway company, and afterwards discontinued the use of a certain wire, coiling it and