

HON. SIR G. FALCONBRIDGE, C.J.K.B. JUNE 15TH, 1914.

RAYNOR v. TORONTO POWER CO.

6 O. W. N. 604.

Negligence—Master and Servant — Injury to Servant by Electric Current—Evidence.

FALCONBRIDGE, C.J.K.B., gave plaintiff \$1,200 damages and costs.

Action to recover damages for personal injuries.
Tried at St. Catharines.

J. H. Campbell, for plaintiff.

D. L. McCarthy, K.C., for defendants.

HON. SIR GLENHOLME FALCONBRIDGE, C.J.K.B.:—
Plaintiff on 6th September received severe injuries while painting on a certain unit, being part of a tower on which were strung the defendants' transmission wires, as the result of coming in contact with a wire charged with electricity. He had previously been assured that everything was safe; that is, that the electric current in that unit had been turned off and that the wires were dead.

Plaintiff swore positively that he did not touch any of the live wires on the adjoining unit. The evidence of plaintiff as to where he was standing just before receiving the shock was corroborated by Hamilton, by the foreman Mandley, and I think by Bull, a witness called by defendants.

The direct testimony satisfies me that his injuries were caused by electric current on the supposed dead unit. Defendants' evidence is entirely of a negative character, from which I am asked to infer that plaintiff was the author of his own wrong in touching the live wire on the adjoining unit. I prefer the positive evidence.

Judgment after 30 days for plaintiff for \$1,200 and costs.