

the place where the boy touched it, a little lower than half way between the top of the railing and the floor of the bridge.

On 8th October, 1904, plaintiff Francis Gloster, a boy of between 8 and 9 years of age, who was crossing the bridge or playing thereon with some companions, pushed his arm through one of the lower openings in the lattice work of the railing, and touched or took hold of the wire. There was some reason to suppose from his examination before the trial that he was attempting to reach it with a small metal toy he had in his hand, but this he would not admit or did not remember when giving his evidence at the trial. The insulation of the wire being imperfect, the result was that the boy's hand, where it had taken hold of the wire, and his head, which rested upon or touched part of the iron work of the railing, were very severely burnt.

It was quite clear from the whole of the evidence that the wire could not be touched accidentally by any one merely passing over or standing on the bridge or at the railing, or who was looking through or over the railing, or without intending to touch it or without deliberately reaching out through the railing as far as the wire, and there was no evidence that there was anything of a character likely to entice or induce children to play with or put their hands upon it, and the Judge, without objection, so told the jury.

There was evidence that a servant of defendants, in the ordinary course of his duty, crossed the bridge for the purpose of trimming the electric lamps, and it was said that he must have seen that it was being widened and the distance between the bridge and the wire reduced, and it was also shewn that on one occasion, while the work was going on, the superintendent of construction visited the bridge and stood on the bank of the ravine, though he did not cross over, and the railings of the bridge were not then up. He knew that the bridge was being repaired, but not that it was being widened. At the south end the wires appear to have been much more distant from the bridge than at the north.

The findings of the jury which affected the defendant company were, that the proximity of their wires to the west side of the bridge was a source of danger to the travelling public, and that the negligence of which they were guilty consisted in the wires being too close to the bridge, and for an unreasonable length of time.