

1931

\*Oct. 6, 7.

SALE *v.* EAST KOOTENAY POWER COMPANYON APPEAL FROM THE COURT OF APPEAL FOR BRITISH  
COLUMBIA

*Negligence—High tension transmission line—Right of way through land—  
Trespasser coming into contact with wire through steel fishing rod—  
Injury—Damages—Liability.*

APPEAL from the decision of the Court of Appeal for British Columbia (1), affirming the judgment of Macdonald J. and dismissing the plaintiff appellant's action in damages.

The respondent company was given the right of way through a ranch by the owners on which to carry an electrical transmission wire which was in operation at the time of the injury sued for. The wire carried 66,000 volts of electricity and was strung on poles on the right of way about ten feet above the ground. The infant plaintiff appellant was walking under the wire with a steel fishing pole in his possession when it is supposed to have come in contact with the wire and he suffered severe injury. The jury found that the wire at the point of contact was negligently low and they awarded damages to the appellant; but the trial judge dismissed the action, which judgment was affirmed by the Court of Appeal.

The Supreme Court of Canada, after hearing counsel for the appellant and counsel for the respondent, dismissed the appeal with costs.

*Appeal dismissed with costs.*

*J. B. Barron* for the appellant.

*R. M. Macdonald* for the respondent.

\*PRESENT:—Anglin C.J.C. and Duff, Newcombe, Rinfret and Lamont JJ.

(1) (1931) 44 B.C. Rep. 141.