

PINE BLUFF WATER & LIGHT COMPANY v. McCAIN.

Opinion delivered February 22, 1896.

NEGLIGENCE—JOINT LIABILITY.—A gas company which neglects to use due care in discovering and repairing a leak in its pipe is jointly liable, with one who negligently lights a match in endeavoring to locate the leak, for damages caused by the resulting explosion.

Appeal from Jefferson Circuit Court.

JOHN M. ELLIOTT, Judge.

Action by McCain & Houston against the Pine Bluff Water & Light Company and John Hammert. Plaintiffs recovered, and defendant company appealed. The facts are stated in the opinion, and in the foregoing case.

F. G. Bridges, for appellant.*W. T. Wooldridge, H. King White, and N. T. White*, for appellees.

RIDDICK, J. The facts in this case are similar to those in the case of *Pine Bluff Water & Light Company v. Schneider*, just decided, (*ante*, p. 109) except that the plaintiff was guilty of no contributory negligence.

The injury was occasioned by the same explosion caused by the co-operating negligence of Hammert and

the water and light company. The case is controlled by the rule announced in the recent case of *City Electric Railway Co. v. Conery*. Conery was injured by the concurring negligence of the railway company and a third party. It was held that both parties whose negligence directly contributed to cause the injury were liable therefor. *City Electric Ry. Co. v. Conery*, 61 Ark. 381; *Atkinson v. Goodrich Transportation Co.* 60 Wis. 141; Shearman & Red. Neg. sec. 34. Whittaker's Smith, Neg., 31, and note. The judgment of the circuit court is therefore affirmed.
