

that the trustees or directors were bound only to exercise slight care, such as inattentive persons would give to their own business, in the management of the large and important interests committed to their hands. When one deposits money in a savings bank, or takes stock in a corporation, thus divesting himself of the immediate control of his property, he expects, and has the right to expect, that the trustees or directors who are chosen to take his place in the management and control of his property will exercise ordinary care and prudence in the trusts committed to them—the same degree of care and prudence that men, prompted by self-interest, generally exercise in their own affairs. When one voluntarily takes the position of trustee or director of a corporation, good faith, exact justice, and public policy unite in requiring of him such a degree of care and prudence, and it is a gross breach of duty—*crassa negligentia*—not to bestow them. It is impossible to give the measure of culpable negligence for all cases, as the degree of care required depends upon the subjects to which it is to be applied." See also *Brinkerhoff v. Bostwick*, 88 N.Y., 52.—*N.Y. Law Journal*.

ELECTRIC RAILWAY VERSUS TELEPHONE.—Cases involving a conflict of interests between telephone and electric railway companies are becoming more numerous. The Supreme Court of New York, in *Hudson River Tel. Co. v. Waterliet Turnpike and Railroad Co.*, 15 N.Y. Supp. 752, considered the question and seems to have held in opposition to the later current of authorities. The decision in that case was that a grant by the legislature and municipal authorities to a street railway company, to use electricity as a motive power, though it does not designate the particular system by which the power is to be supplied, does not give the company a right to use a system by the use of which the electricity will pass from the street and interfere with the current of a telephone company, which has previously lawfully erected its poles and wires on private property, where there are other systems which might be used by the railway company at a greater expense, but at less additional expense than would be required for the telephone company to change its system. When a street railway company is about to use electricity as a motive power, to be supplied by a system which will allow the current to escape to the wires of a telephone company, erected on private property, and to continuously interfere with and injure the business of the telephone company, an injunction will lie, there being no adequate remedy at law. From the lengthy opinion of the court we quote the following: "It will be observed in this case that the language in the legislative and municipal grant of authority to the defendant relates only to the power to be used by it and specifies no particular mode of its application. If the single trolley system was the only method of applying electricity as a motive power to cars, then the authority to use electricity might be said to contain an authority for the use of that system, notwithstanding its injurious effects upon others, provided the legislature has the constitutional power to grant a right to a corporation to invade private rights or destroy the property of other corporations or individuals; but as the case discloses that the single trolley system is not the only