cretion of the persons empowered to determine whether the general powers committed to them shall be put in execution or not, I think the fair inference is that the legislature intended that discretion to be exercised in strict conformity with private rights, and did not intend to confer license to commit nuisance in any place which might be selected for that purpose." The reasoning and conclusion of the Court of Queen's Bench in the above case was adopted and fully acquiesced in by the Court of Appeals in the case of *Cogswell* v. *Railroad Co.*, *supra*. The rule, therefore, seems settled and of universal application that when a grant is given by the legislature to conduct a business in the conduct of which two or more ways exist, and by one of which the rights of others will be injuriously affected, and by the adoption of the other methods other parties will not be injured, a Court of Equity will interfere, and enjoin the use of the mode by which the rights of others will be injuriously affected.

We are cited to numerous cases by the learned counsel for the defendant where it is held that injuries remote and consequential must be submitted to by the citizen in the march of public improvements, and that the injury in such cases is *damnum absque injuria*; such as building docks in navigable rivers, cutting down on the line of abutting premises in excavating for public streets, and the like; but I have found no case like this, where the injury is direct and not remote, and where the act has not been ordered by the legislature, where the court has refused relief or redress to the party injured.

It is also urged by the learned counsel for the defendant that, as the electrical system to be used by the defendant in the propulsion of its cars has not been defined by the legislature, it must be left to the determination of the defendant as to what method or system it will adopt, and that the power of selection is not the subject of review. The doctrine, when applied to public bodies and municipalities, is sound, and supported by authority; but I think with private corporations and individuals a different rule obtains, and, while they may adopt such devices as they please, so long as their selection does not affect the rights of others, they are bound so to use their own as not to injure others. An individual may use for his own purposes a powerful, ferocious, and dangerous animal; but he must do so at his peril, and, if others are injured by such animal, known by the owner to be dangerous, no one would question the liability of the owner. But it is also said that the defendant has selected the best known method, and therefore cannot be interfered with in its use. It is true that the referee has found that the system of the defendant in the use of electricity as a motive power is the most efficient and economical system in use. It is equally true that the plaintiff's system of telephoning is shown to be the usual and approved method, and it is not claimed that its use in any way injures the business of the defendant. Assuming, as we must, that each company, within their chartered privilege, is in the pursuit of laudable and useful business, no reason is perceived why they should not each be accorded the protection guarantied by law to other business and pursuits, and in like manner be subject to the duties and obligations imposed by law. Wood in his Law of Nuisances, defines such rights and obligations as follows: "Every person who, for his own benefit, profit, or advantage, brings upon his premises