

The phraseology of the courts in limiting the degree of care required is various. Thus, it is said that the electrical company is under the duty of seeing that its wires are in a "reasonably safe and sound condition;" that it is due to the citizen that electric companies that are permitted to use, for their own purposes, the streets of a city or town, shall be required to exercise the utmost degree of care in the construction, inspection and repair of their wires and poles, to the end that travellers along the highway may not be injured by their appliances. The danger is great, and care and watchfulness must be commensurate;" that the companies must use "reasonable care," but this will depend upon the "present state of the science and the present knowledge of the most practical and effectual means and methods of guarding against such perils as are incident to its use; that the company must employ "every reasonable precaution to protect the public, while using those streets, against injury from electricity;" that those who utilize electricity must use the "highest degree of care and diligence practicable under the circumstances;" that the "law required . . . the highest degree of care which skill and foresight can attain, consistent with the practical conduct of its business under the known methods and the present state of the particular art." The rule and its reason are thus clearly announced by the Supreme Court of Arkansas: "Subjecting the dangerous element of electricity to their control and using it for their own purposes, by means of wires suspended over the streets, it is their duty to maintain it in such a manner as to protect such persons against injury by it, to the extent they can do so by the exercise of reasonable care and diligence. . . . The care varies with the danger which will be incurred by negligence. In cases where the wires carry a strong and dangerous current of electricity, and the result of negligence might be exposure to death or most serious accidents, the highest degree of care is required. This is especially true of electric railway wires suspended over the streets of populous cities or towns. Here the danger is great, and care exercised must be commensurate with it. But this duty does not make them insurers against accidents, for they are not responsible for accidents which a reasonable man, in the exercise of the greatest prudence, would not under the circumstance have guarded against.

Whether such reasonable care has been exercised is usually a question for the jury. In one instance, however, an attempt has