

[Reference to Brice on Ultra Vires, 3rd ed., p. 435; Doolan v. Midland R. W. Co., 2 App. Cas. 792, 806.]

And, in any case, the wrong in the present instance was done within the limits of the municipality; and the causative negligence was within the municipality.

Then as to the facts. There was much evidence given of more or less value, including considerable expert evidence. Taking the evidence as given, with the weight which, I think, from having seen the witnesses, should be attached to it, I find the following facts:—

The system of the defendants is a very defective system and suffering from want of money to put it into and keep it in proper condition. . . .

On the evening of the 7th March a current of high tension manifested its presence in the house of Mrs. Young by unmistakable phenomena; and that this current came from the secondary wires is, to my mind, clear. At that time there can be no doubt there was connection between the primary and secondary wires, as well as connection between the earth and its primaries.

It is manifest that there was in this badly built system an intermittent communication between the earth and the primary wires; and that this is exceedingly dangerous no one doubts or can doubt.

That it was the guy wire at E. (a point on a plan filed) which was the cause of the trouble, I think is certain, and I so find.

That it was the duty of Wright at the power-house to report the existence of a leak to the manager (Briddick), and that of the manager to locate the leak and remedy the defect immediately, equally admits of no kind of doubt.

It may be true, as he says, that Briddick was short of men; but that is no excuse for the defendants—if they run a dangerous business at all, it is their duty to have a sufficient number of men to detect and guard against danger.

There is no duty cast upon the municipality to conduct an electric light plant or even to light the streets: *Randall v. Eastern R. Co.*, 106 Mass. 276, 8 Am. Rep. 327, and cases cited, especially *Macomber v. Taunton*, 100 Mass. 255, and *Lynn v. Cambridge*, 136 Mass. 419. But, if the municipality does take it upon itself so to conduct an electric light plant, it must conduct it without negligence: *Freeport v. Isbell*, 83 Ill. 440, 25 Am. Rep. 407; *Canavan v. Oil City*, 183 Pa. 611; *McHugh v. St. Paul*, 67 Minn.