

disturbed by such currents as come from either telegraph or electric light or electric railway works. The weight of the evidence is to the effect that this system is a remedy for disturbances from leakage or conduction, but somewhat imperfect for disturbances arising from induction. With the telephone wires as much as ten feet from the car wires, probably this system would prevent all serious disturbance in this city.

The same witness says: "The better way is to provide a return conductor for each telephone—a complete metallic circuit without contact with the earth. This removes interference from that source entirely; and as to trouble from induction he says: "When the two wires are near to each other parallel in the air, and at an even distance apart, any induction action that takes place from a current in a neighboring conductor acts similarly on each wire, and therefore they annul each other's effect upon the telephone circuit, and there will be no practicable disturbance." Of this last system George W. Mansfield, an electrical engineer of high standing and wide experience, says: "It is the universal sentiment of all telephone people that a perfect system will not be attained until they have a metallic system complete for all their trunk lines and exchanges; that all the circuits of the American Telegraph and Telephone Company are metallic. They use no ground circuits whatever, and by means of the metallic circuits they are enabled to talk from Boston to New York, Philadelphia, Buffalo, Albany, and expect ultimately to reach Chicago. By means of the metallic circuit they suffer absolutely no disturbance from outside influence." The change from the present system used in Salt Lake City, one in which the earth is used as a conductor to complete the circuit, to a complete metallic circuit, would cost a large sum of money, but its use would furnish a remedy for all interference from electric currents whether from street cars, electric light, telegraph, or earth currents.

This brings us to the question, Ought the court while the complainant continues its business as it now is doing without adopting any other devices or means to prevent the injury complained of require the defendant to adopt the double trolley system, and in the event it does not do so to enjoin it from operating its road by means of the electric current? In the light of the evidence the double trolley system appears to be more cumbersome than the single now in use by the defendant, and were it employed by the defendant upon its roads with its single track with numerous turnouts, switches, and curves, its use would probably be attended with annoying delays and loss of time to the traveling public as well as additional expenses. It is true that the metallic circuit would be more expensive to the telephone company, but it furnishes a more perfect system and service, in fact the best that human invention

and skill have devised or probably can devise.

The air and earth are common fields for electric currents, and man is not responsible for the action of natural forces effected alone by natural causes; but when he takes them in hand by means of his skill and his mechanical devices and employs them in his service and arouses and excites them, he does become responsible for them; his will then controls their action and he receives the benefit of their labors.

The plaintiff's right to use the electric current by means of wires upon poles set in the streets was prior in time to the right of the defendant to use the same agency by means of wires and poles in the same streets; nevertheless, it is the duty of each in the enjoyment of its right to use all reasonable care to prevent injury to the other. The law will protect each in the enjoyment of its right, but it will not protect in the negligent enjoyment of it; the protection does not include negligence; priority in time could not give the plaintiff any immunity from the use of reasonable care. It is the duty of every person to employ all reasonable means to protect himself and any valuable right that he may possess from injury if he wishes to hold any other person responsible for the loss that it causes. A person in the enjoyment of a valuable right of property or otherwise about to receive irreparable injury from the enjoyment of some other right by another which either might prevent by the use of reasonable means, cannot obtain any injunction restraining the other from the enjoyment of his right until he adopts such reasonable means. In such a case a party about to be injured holds the remedy in his own hands and the law requires him to use it; he can claim nothing on account of his own wrong. Anybody may enjoin the negligent use of a right by another about to cause irreparable injury to the enjoyment of his own right which he has used due care to protect.

Assuming that the use of the metallic circuit would remedy the evil complained of and that its use is equally practicable by either party to this action, the court will not enjoin the use of the ground circuit by the defendant while the plaintiff continues to use it. It appears from the preponderance of the evidence that the use of the electric current by the plaintiff is practicable; while its adoption by the defendant would be an experiment, its practicability does not appear to be established.

The prayer of the complainant for an injunction is denied.

PART OF THE TICKET.

The "Liberals" held precinct conventions last night and made nominations for all but general officers for the city. The latter are to be nominated on Jan. 14. The principal fault the People's Party can find with the ticket is that it does not present worthy foemen in the political field. There are a few men of respectability, but many of

the candidates are not up to even the average of ability among the "Liberals," while nearly all of the strong men are left out. At the convention the following communication was read:

Gentlemen—You have observed that the call of the committee convening this convention states the purpose, among other things, to be the nomination of one alderman, three councilmen and a justice of the peace. It is proper for us to state the reasons which induced us to prepare the call in that way.

Under the charter of Salt Lake, one alderman from each municipal ward and nine councilmen at large are required to be elected biennially. It is the opinion of the chairman of your committee that such are the officers who are to be elected in February. But a question was raised as to whether the act of the Legislature of this territory of March, 1888, relative to the incorporation and re-incorporation of cities, does not apply to this city, so far, at least, as dispensing with aldermen and requiring the election of three councilmen from each municipal ward or precinct. Your committee took the advice of three of the ablest attorneys in the city and they filed with us a written opinion in which they state without qualification that the act of 1888 applies so far as suggested above. "But," say they in their opinion, "as a matter of policy and precaution we recommend that the Liberal conventions nominate, and the Liberal party vote for, one alderman and three councilors from each municipal ward. If it be hereafter determined that there should be elected five aldermen and nine councilmen, then six of the fifteen councilmen voted for can step one side and decline to qualify. If it be determined that there are no aldermen and fifteen councilmen to be chosen, then of course the aldermen could not qualify."

This arrangement, it will be readily seen, provides for any contingency, and we have followed the advice given.

We therefore desire to make the following suggestions to this convention and that they be acted upon before you proceed to nominate your candidates, or that you agree upon some other basis of action which will accomplish the same results:

1. That it be understood and agreed by this convention and its nominees, that in the event that it shall be decided that our city officers are to be chosen in accordance with the city charter, and not in accordance with the act of 1888, that the third candidate named for councilman step one side and decline to qualify.

2. That from the precinct from which the city convention shall choose the mayor, the second and third candidates named for councilmen shall step one side.

This letter will be presented to each of the five municipal ward conventions, and if the plan suggested is agreed upon, or some other equally feasible, all difficulty will be obviated in the future.

This plan seems to us to be fair, for the mayor, being a member of the council, if the second and third candidates—if necessary—step one side in the ward in which he resides, each precinct will have equal representation.

We remain, for victory and progress, your obedient servants,

O. W. POWERS,
Chairman.

A. L. WILLIAMS,
Secretary pro tem.