

p. 464: "The question is the damage which land has sustained by the cutting down of trees. The opinion of A., a farmer, that the land was worth \$5,000 before, and but \$1,000, after, the cutting, is admissible. The opinion of A. that the land was depreciated \$4,000 in value by the injury is inadmissible." In other words, the witness may not do a sum in subtraction.

Then objection is taken to the admission of evidence as to cost and value of this and other hotel buildings, and of the value of the hotel building if put to other purposes. All that I can say on this point is that if that evidence was improperly admitted, if it were stricken out, there is abundant evidence to support the Master's judgment. I am of the opinion, therefore, that this appeal must be dismissed with costs.

There were circumstances about the case which inclined me to favour relieving the plaintiff from the penalty of costs, but our rule is generally inexorable, and the plaintiff did not rest content with one appeal.

TORONTO AND NIAGARA POWER CO. v. TOWN OF NORTH TORONTO—
FALCONBRIDGE, C.J.K.B.—AUG. 12.

Interim Injunction—Municipal Corporation—Right of Power Company to Erect Poles in Streets—Construction of Statute—Convenience.]—Motion by the plaintiffs for an interim injunction restraining the defendants from preventing the plaintiffs from proceeding with the erection of poles within the defendants' municipality. The Chief Justice said that it might well be that, at the trial, the plaintiffs' position and contentions would be sustained. But, in view of the numerous difficult questions which had been raised on the construction of the statute and otherwise, he found himself unable, on a mere interlocutory application, to declare with sufficient certainty that the plaintiffs had the right which they claimed to invade the defendants' streets without any leave or license of the defendants. The plaintiffs' counsel complained that the defendants' mayor was guilty of *suppressio veri* in his affidavit, in that he made no mention of the plaintiffs' officers waiting on the town council and desiring their co-operation; but the plaintiffs' contention, in order to prevail, must go the whole length of asserting that they had the absolute right as above stated. The motion was ordered to stand over to the hearing—the plaintiffs to be at liberty to deliver pleadings in vacation, and the defendants to