

this I continued on 5th December, upon terms that the parties should proceed to trial in a week (*ante* 983). The case accordingly came before me for trial at the non-jury Court at Toronto on the 12th inst. At the trial the Bell Telephone Company were added as parties plaintiffs.

A very considerable quantity of evidence was given on either side; and, upon such of the evidence as recommends itself to me, I find that even if the construction go no further, the poles as they stand will almost certainly cause a leakage of the current in some of the wires of both plaintiff companies, and will, therefore, be a substantial injury to the plaintiffs. This may not be continuous, but will almost certainly happen whenever the poles become moist by rain, etc. Nor can the poles be so placed in their present sockets, or between the wires of the plaintiffs, as that in case of wind the poles will not touch some of the wires, and if the wind is accompanied by rain there will result substantially interference with the business of the plaintiffs.

I find further that, it being necessary for linemen of the defendants from time to time to ascend these poles (about once a month is suggested by the superintendent of operations, Houston), it is to be anticipated that these workmen will or may (quite unintentionally) interfere with the wires of the plaintiffs and cause the plaintiffs serious injury.

But these are of comparative insignificance, in my view, compared with the serious danger of damage to the plant of the plaintiffs, and still more of death or injury to their employees and to the public, the customers of the telephone company.

The actual construction proposed by the defendants is satisfactory enough, the wire is intended to be good, and the insulators as good as are in actual commercial use. But, however good these may be, the high voltage current will from time to time—e.g., in a driving rain—leak and find its way to the wires of the plaintiffs with more or less disastrous results.

Wire which has passed the tests of the manufacturer and which is apparently sound in all respects has broken many times, and other causes are suggested for wires falling; such