

of the respondents removing the said poles, the petitioners should be authorized to do so at their expense, and that moreover the respondents should be condemned to a fine for the said contravention. A rule was accordingly issued by order of this court against the Dominion Light, Heat & Power Company.

Upon the contestation of the said rule the Dominion Light, Heat & Power Company alleged that it had not violated the terms of the interim order nor of the interlocutory injunction of November 18, 1910: that it is true that it had caused to be erected certain poles upon the street in question, but that these poles are more than three feet from the petitioners' wires and that six of these poles have been placed between the electric wires of the petitioner by reason of the fact that on Orleans Ave. the petitioners, as well as the Montreal Street Railway Company have, on each side of the street, lines of poles carrying electric wires of which the last are scarcely twenty feet from the ground; that this did not leave the respondents any alternative other than to place its poles as it had done; that to avoid the dangers of contact it was necessary to attach certain of the petitioners' wires to the poles in question by means of insulators, but that this work was done with care and absolutely prevents all danger; that the respondent had acted in good faith, not believing that it was violating the terms of the interlocutory injunction, nor of the order for the statu quo.

The petition of the respondents also asked that the terms of the interlocutory injunction of the 18th November last, should be modified in such a way as to permit the respondents to leave the said poles located at a distance of less than three feet from the electric wires of the company petitioner in view of the measures taken by the company respondent to protect the said wires, and to remove every element of danger.

*Held*, 1. The mode of installation which the Court is asked to authorize constitutes a very considerable inconvenience to the company petitioner and a permanent source of danger to its apparatus and also to the public.

2. The right conferred upon the company respondent to install its apparatus in the streets of the town of Maisonneuve is subject to the rights acquired previously by the company petitioner, and among these rights so acquired is necessarily included the localization of its apparatus made previous to the respondent's charter.

3. It has not been shewn that it was absolutely necessary