

Province of Quebec.

SUPERIOR COURT—MONTREAL.

Charbonneau, J.]

[February 1.

MONTREAL LIGHT, HEAT & POWER CO. AND ROYAL ELECTRIC CO.
v. TOWN OF MAISONNEUVE AND DOMINION LIGHT, HEAT
& POWER CO.

Electric power company having poles and wires installed on streets cannot be interfered with by another such company—Extent of interference—Inconvenience and danger.

The petition of the Montreal Light, Heat & Power Company alleged that on October 19, 1910, it presented a petition praying for an interlocutory injunction against the Town of Maisonneuve and the Dominion Light, Heat & Power Company, to prevent them, among other things, from placing their poles, wires and other electrical apparatus at a distance of less than six feet from the poles, wires and other electrical apparatus of the petitioners: that its petition was continued to the following day and an order was given by the court stopping all work, pending the adjournment; that on October 20, this order of statu quo was continued until November 18, and that on this date the court granted the interlocutory injunction asked for, fixing the distance at three feet; that notwithstanding the statu quo so ordered and notwithstanding the said judgment, the respondent the Dominion Light, Heat & Power Company erected a series of poles on Orleans Ave., north of Ontario St., from the west side of the said avenue, which poles are not only placed at a distance of less than three feet from the electrical apparatus of the petitioner, but have been actually placed in the middle of the petitioner's electric wires, and in such close proximity to these wires that it has been found necessary to fasten them to insulators, placed on the respondent's poles, in order to prevent the wires from touching the poles. The petitioners asked in consequence that the respondents should be declared in contempt of court, as well for having violated the terms of the interim injunction ordering the statu quo to be preserved, as for having violated the interlocutory order of injunction given as aforesaid and asking also that an order should be given that the said poles and wires should be removed within a time to be fixed by the court, and that in default