of the city by using, if necessary, other streets than Slater street. It is a matter apparently of expense or of convenience, and such considerations ought not to outweigh the prior right to protection to which the earlier sections of the judgment properly declare the plaintiffs to be entitled. Without the paragraphs objected to, the defendants are not, I think, barred from Slater street itself, because it appears to me to be quite possible for both companies, acting, as they are bound to act, reasonably, to use that street and yet keep their wires at the proper distance; although I do not proceed upon that, but upon this, that no sufficient reason is shewn why an exception should be made in the case of that street.

I also think it is objectionable that by these clauses the defendants are to be permitted to handle the plaintiffs' wires, and to confine them to the novel and untried insulation proposed. The plaintiffs ought not, I think, to be compelled to consent to such in interference with their property; nor should the plaintiffs' right to apply to the Court in case of breach be intercepted, and in effect taken away, by compelling a reference of a dispute to the city engineer as proposed.

Upon the whole, I am of the opinion that the judgment originally pronounced was correct; that the cross-appeal should be dismissed with costs; and the plaintiffs' appeal allowed with costs.

SEPTEMBER 14TH, 1903.

C. A.

EARLE v. BURLAND.

Interest—Charging Accounting Party with—Money Paid to Manager of Company in Excess of Salary—Trustee—Statute of Limitations—Reference—Powers of Master.

Appeal by defendant G. B. Burland from judgment of MEREDITH, C.J., 1 O. W. R. 527.

The facts are stated in the judgment.

W. D. Hogg, K.C., and G. F. Shepley, K.C., for appellant.

A. H. Marsh, K.C., and C. J. R. Bethune, Ottawa, for plaintiffs.