

at the delivery point in Dunnville of greater than 50 pounds, was not applied to the appellants' line, yet the obligations of the United Gas Co. were recognised in the contract sued on and the delivery would be subject to that obligation and is so treated in both of the Aikens contracts. No evidence was given, however, shewing that the United Gas Co. or the appellants, did maintain a pressure in its pipes of more than 50 pounds, nor whether Waines did or did not maintain the 50 pounds pressure, though the appellants' manager says they did not take the full amount contracted for from Waines (p. 44, ex. 16). The question seems narrowed to whether the appellants were entitled to allow and provide for the Waines pressures which was to be "at least 50 pounds pressure" and might be more. The appellants did so by putting in a regulator, and their manager (p. 43) says: "It was necessary to do so to regulate the gas so we could take the gas which we were under contract to take from Waines and Root, and also from Aikens, Lalor & Beck." This regulator is said to have been adjusted to 50 pounds so that when the pressure in their pipes got above 50 pounds the respondents' gas was shut off. This seems to me to be a correct view of their rights. The respondents were entitled to deliver against the line pressure, and if Waines' pressure was under 50 pounds they could get it, whereas if it were 50 pounds or over the gas coming in under the Waines contract had the right of way. In order to enable it to use that privilege the gas in the United Gas Company's main at Dunnville into which it entered was to be kept down below 50 pounds. This pipe has been treated as synonymous with the appellants' pipe at Dunnville, and rightly so in my opinion, not only because the latter pipe was evidently substituted for that of the United Gas Company's pipe at that point, but for the reason that the contract sued on expressly recognises that it was the line pressure, "having regard to the contracts aforesaid" against which delivery was to take place. On looking at exhibits 5 and 20 it will be found that every supply pipe line has a gate valve, a regulator, and a meter. The Waines gas entered the main pipe line outside the meter house after going through the house and passed, as it started on its way to St. Catharines, the opening or junction of the respondents' pipe. If the regulator shut off the respondents' supply entirely just as it entered the meter house,