

what, if any, effect has the Act 45 Vict. ch. 71 (O.), passed by the Legislature of Ontario at the instance of the defendants, upon the rights conferred upon them by their Act of incorporation, as amended by the Act 45 ch. 95 (D.)

Are these rights in any way curtailed or qualified by the provisions of the Ontario Act? Dealing with the first question, it is important to note the objects or purposes for which incorporation was sought and granted. These are set forth in sec. 3 of the Act 43 Vict. ch. 67 (D.), as amended by 45 Vict. ch. 95. Those enumerated in the beginning of the section, viz., the manufacture of telephones and other apparatus connected therewith, and their appurtenances and other instruments used in connection with the business of a telegraph or a telephone company, and such other electrical instruments or plant as the company may deem advisable, and the purchasing, selling or leasing of the same and rights relating thereto, are not to be considered as other than local. And if the defendants' purposes and objects were confined to operations of the kind mentioned, there would be no difficulty in saying that incorporation for such purposes might and should properly be sought from the Provincial authority.

But the difficulty is in respect to the other objects and purposes set forth in sec. 3. They are far wider and more extensive in their scope. Power is given to build, establish, construct, purchase, acquire, or lease, and maintain and operate, or sell or let, any line or lines for the transmission of messages by telephone in Canada or elsewhere, and to make connection for the purposes of telephone business with the line or lines of any telegraph or telephone company in Canada or elsewhere, and to aid or advance money to build or work any such line to be used for telephone purposes, with power to borrow money upon the company's bonds for carrying out any of the objects or purposes of the Act. Reading this language of the section, it is difficult to resist the conclusion that it was contemplated and intended that the defendants would extend their operations into more than one Province of the Dominion, and probably beyond the Dominion. It is true that they are placed under no compulsion to do so, but it is not unlikely that it was considered that the fames auri would be a sufficient incentive to them to avail themselves to the full extent of their powers. Doing so involves the construction or acquisition and operating of telephone lines extending across the boundaries of one Province into another, or the uniting with telegraph lines the wires of which cross the boundaries between Provinces. If, as seems to be the case with telegraphs, the wire is a sufficient link of connection between two Provinces, or at all events the carrying of a tele-