

ephone wires. [*Hamilton Street Ry. Co. v. Grand Trunk Ry. Co.* (Kenilworth Avenue Crossing Case), 17 Can. Ry. Cas. 393, followed.]

London Railway Commission v. Bell Telephone Co., 18 Can. Ry. Cas. 435.

EASEMENT—OVERHEAD AND UNDERGROUND—WIRES AND PIPES.

The practice of the Board has been to allow the right-of-way of railway companies to be crossed by the construction overhead or underground of lines of wires or water-pipes and other pipes without compensation, the Board's order merely creates an easement which can be cancelled or varied as occasion may require from time to time.

Maritime Telegraph & Telephone Co. v. Dominion Atlantic Ry. Co., and *Baird v. Can. Pac. Ry. Co.*, 20 Can. Ry. Cas. 213.

JURISDICTION—POWER WIRES CROSSED BY HIGHWAY.

Under s. 247 of the Railway Act, 1906, the Board has no jurisdiction to authorize a highway to be constructed under the wires of a power company.

Coleman v. Toronto & Niagara Power Co., 20 Can. Ry. Cas. 258.

ERECTION OF POLES ON STREET—COMPLIANCE WITH ACT OF INCORPORATION—“ALONG THE SIDE” OF THE HIGHWAY.

Where a pole was erected as required by the Act of incorporation of the company under the direction and supervision of the proper municipal authorities, and did not interfere with the public right of traveling on or using the street, its erection between the drain or gutter and the centre line of the street is a compliance with the statutory requirement that the pole must be erected “along the side” of the highway.

McIsaac v. Maritime Telegraph & Telephone Co., 50 N.S.R. 331.

WIRES ALONG HIGHWAYS—UNDERGROUND—PUBLIC UTILITY COMPANY—JURISDICTION.

Under s. 247 (g) of the Railway Act, 1906, the Board only has jurisdiction to direct that wires be placed underground and to abrogate the right of a public utility company to carry its wires along highways on poles. The Board cannot order that poles and wires be moved from one street to another or that wires be placed in cables or upon a designated line of poles. Such a company, however, has at all times the right to remove its pole line from a street and an order from the Board to place its wires underground does not prevent it from exercising such right.

Chatham v. G.N.W. Telegraph and Bell Telephone Cos., 21 Can. Ry. Cas. 183.

TELEGRAPH WIRES—UNDERGROUND CONSTRUCTION—URBAN DEVELOPMENT.

Where urban development has reached such a stage that the city wires and poles are being placed underground, the Board will order telegraph companies to adopt underground construction for their wires at their own expense, or where the work is done by the municipality, and ducts may be rented from it, then upon such terms or rental as may be agreed upon between the parties.

Montreal v. Can. Pac. and G.N.W. Telegraph Cos., 24 Can. Ry. Cas. 226.

WITNESS.

See Pleading and Practice.

EXAMINATION—LEADING QUESTIONS.

In examining one's own witness, leading questions must not be put to the witness on material points, but are proper on points that are merely