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APPELLATE DIVISION.

MARCH 15TH, 1915.

*TORONTO ELECTRIC LIGHT CO. v. CITY OF TORONTO.

Contract — Municipal Corporation—Electric Light Company—Overhead System—Erection of Poles in Highways—45 Vict. ch. 19, sec. 2—“Upon” — R.S.O. 1877 ch. 157, sec. 54—Agreements between City Corporation and Company—Construction—Absence of Agreement or Consent for Erection of Poles for Transmission of Lighting Current to Private Consumers—Acquiescence—Knowledge — Estoppel — Special Permission—Extended Area of City.

Appeal by the Corporation of the City of Toronto, the defendant, from the judgment of MIDDLETON, J., 31 O.L.R. 387, 6 O.W.N. 349.

The appeal was heard by MEREDITH, C.J.O., GARROW, MAGEE, and HODGINS, J.J.A.

G. R. Geary, K.C., and C. M. Colquhoun, for the appellant corporation.

I. F. Hellmuth, K.C., and A. W. Anglin, K.C., for the plaintiff company, the respondent.

MEREDITH, C.J.O.:— . . . The action involves a determination as to the rights of the respondent to use the streets, highways, and public places of the City of Toronto for conducting electricity for the purposes of light, heat, and power “by any

*This case and all others so marked to be reported in the Ontario Law Reports.