

there is no power whatever conferred by the plaintiffs' charter to enter and break ground in the street; (2) that, if there is such power, it cannot be exercised without the permission of the municipality; and (3) that the exercise of such power of construction should be supervised by some competent authority outside of the company, in the interests of public safety, and in order to avert probable injury to life and property. . . .

[As to the corporate power under the Act the Chancellor referred to other legislation: the Dominion Telegraph Company's Act of 1871, 34 Vict. ch. 52, sec. 4; the Bell Telephone Company's Act of 1880, 43 Vict. ch. 67, sec. 3; the Montreal Telegraph Company's Act of 1882, 45 Vict. ch. 93, sec. 3.]

In the Act incorporating the plaintiffs, 2 Edw. VII. ch. 107, the collocation of words as to the powers of the company is different, but not less comprehensive: thus (sec. 12), the company may construct, maintain, and operate works for the . . . distribution of electricity and power . . . and may construct, maintain, and operate lines of wire, poles, tunnels, and other works, in the manner and to the extent required for the corporate purposes, and may with such lines of wire, poles, etc., conduct, convey . . . such electricity . . . through, over, along or across any public highway . . . and may enter upon any lands on either side of such lines and fell and remove any trees . . . or other obstructions. . . . And the company may enter upon private property and survey and set off such parts as are necessary (making compensation therefor) under the provisions of the Railway Act of 1888, thereafter referred to. And by sec. 13, the company may erect poles, construct trenches, and do all other work for the transmission of power, provided the same are so constructed as not to incommode the public use of the streets or to impede access to houses in the vicinity.

Under the words of the Bell Telephone Act it was held by the highest Court that the power existed and was exercisable without the sanction of the municipal bodies in whom the highways were vested: *City of Toronto v. Bell Telephone Co.*, [1905] A.C. 52. The words of the Bell Telephone Company's Act, "construct, erect, and maintain" are equipollent with these of the present Act, which are: "Construct, maintain, and operate" lines of wire and poles and and therewith convey power through, over, along, or across any public highway.

The words "enter" is used in these empowering Acts uniformly, so far as I can see, with reference to an entry on private lands, whereas "construct" is used as to the operation on public