

one of those railways, by force of that section, subject to the exclusive legislative authority of the Parliament of Canada. By sec. 306 it was declared that several railways, including the Grand Trunk and the Canadian Pacific, were works for the general advantage of Canada, "and each and every branch line or railway now or hereafter connecting with or crossing the said lines of railway, or any of them, is a work for the general advantage of Canada."

The learned Chief Justice said that, in his opinion, the word "branch," which qualified the word "line," also qualified the word "railway" which immediately followed; and by sec. 307 strength was lent to the view that sec. 306 was intended to affect only the named railways and their branch lines. If it were otherwise, there was no reason for enacting sec. 177; and the amendments made from time to time to sec. 173 did not help the appellant company.

Section 1 of the Act 63 & 64 Vict. ch. 23 added a new section, 6a., to 51 Vict. ch. 29; but the added section does not add anything to sec. 306, and may well be taken to have been intended to make it clear that sec. 306 did not apply to street railways and tramways and the electric railways mentioned in subsec. 2 of sec. 6a.; and if, according to its true construction, sec. 306 does not apply to any railway except those named in the section and their branches, sec. 6a. cannot be treated as extending the operation of sec. 306 to railways that are not branches of the railways mentioned in it.

The initial question must be answered in the negative.

Appeal dismissed with costs.

NOVEMBER 9TH, 1915.

LINCOLN ELECTRIC LIGHT AND POWER CO. OF ST.
CATHARINES LIMITED v. HYDRO-ELECTRIC COM-
MISSION OF ST. CATHARINES.

Municipal Corporations—Distribution and Supply of Electric Power—Management of Works and Operations Entrusted to Commission—Company Authorised to Supply Electric Power—Erection of Poles and Wires in Streets of City—By-law Authorising Use of Company's Poles for Stringing Wires of Corporation—Construction and Scope.

Appeal by the defendant Commission from the judgment of FALCONBRIDGE, C.J.K.B., 7 O.W.N. 688.