

In my opinion, the appeal should be allowed, and the order asked for by the plaintiffs should be granted, unless the parties can, within a reasonable time, make a satisfactory agreement, or, failing that, the defendants take the steps prescribed by the Railway Act.

MEREDITH, J.A., was of the same opinion, for reasons stated in writing.

MOSS, C.J.O., GARROW and MAGEE, J.J.A., also concurred.

Appeal allowed with costs, and judgment to be entered for the plaintiffs with costs, with a stay of the injunction for three months.

FEBRUARY 1ST, 1912.

*TORONTO AND NIAGARA POWER CO. v. TOWN OF
NORTH TORONTO.

Municipal Corporations—Electric Power Company—Powers under Act of Incorporation, 2 Edw. VII. ch. 107(D.)—Erection of Poles and Wires in Streets of Town—Permission of Municipality—“Construct, Maintain, and Operate”—Introduction of Provisions of Railway Act—51 Vict. ch. 19, sec. 90—Amendment by 62 & 63 Vict. ch. 37, sec. 1—Direction of Municipality—Effect of Reading secs. 12 and 13 of Act of Incorporation with sec. 90 as Amended.

Appeal by the defendants from the judgment of BOYD, C., 24 O.L.R. 537, ante 77.

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

G. H. Watson, K.C., and T. A. Gibson, for the defendants.

D. L. McCarthy, K.C., for the plaintiffs.

MOSS, C.J.O.:—The plaintiff, an incorporated company, with power to produce, sell, and distribute electric and other power and energy, and, for those purposes, to construct, maintain, and operate lines of wire, poles, tunnels, conduits, and other works, and to erect poles, construct trenches and conduits, and do all other things necessary for the transmission of power, heat,

*To be reported in the Ontario Law Reports.