any such privilege or easement, etc., is open to no other construction.

The notices of expropriation given by defendants do not state whether it is the fee simple of plaintiffs' lands, or merely some easement or privilege over and along them, which they seek to acquire. On the contrary, these notices intimate that the company propose to acquire the lands described in the notices "to the extent required for the corporate purposes of the company." It may well be that these purposes require only the expropriation of the privilege or easement of a right of way for the poles and wires of defendants, and not the acquisition of the title in fee simple.

In my opinion, such notices are too uncertain to serve as the foundation for proceedings instituted to effect forcible deprivation of property.

I do not find either in Hendrie v. Toronto, Hamilton, and Buffalo R. W. Co., 26 O. R. 667, 27 O. R. 46, or in Maclean v. James Bay R. W. Co., decided by Street, J., 20th February, 1905, both cited . . . as authorities for the granting of a warrant under sec. 170 of the Railway Act without proof of notice under sec. 171, anything which would countenance such a course. . . . For my part, I entertain a very strong view that the extraordinary powers conferred by sec. 170 should be exercised only upon proof of strict compliance with the requirements of sec. 171, and that the presence of the parties in Court to answer another motion affords no ground for dispensing with a notice which is made a condition precedent to jurisdiction, and which, quite within their rights, plaintiffs here decline to waive.

Not only because defendants were not in a position to sustain their motion when launched, but also for other reasons indicated, I must decline to dissolve the injunction, and I dismiss defendants' motion with costs to plaintiffs in any event of this action.