

permitting and regulating the erection and maintenance of electric light, power, telegraph, and telephone poles and wires upon the highways or elsewhere within the limits of the municipality." This is the same as the corresponding sub-section in the Act of 1903, except that the word "power" is introduced by the amendment of 1906.

The legislation in force at the time of the Belleville decision was 46 Vict. (O.) ch. 18, sec. 496 (47), whereby the power was given certain municipalities to pass by-laws "for regulating the erection and maintenance of telegraph and telephone poles and wires within their limits." This was consolidated as R. S. O. 1887 ch. 184, sec. 496 (39): the Act of 1891, 54 Vict. ch. 42, sec. 21, introduced the words "electric light" before the word "telegraph;" the amended section goes forward into the revision of 1892, 55 Vict. ch. 42, as sec. 496 (39); in the R. S. O. 1897 appears as sec. 559 (4) of ch. 223; and in 3 Edw. VII. ch. 19, as 559 (4). It is argued that the amendment of 1906 gives a power to the municipality which did not previously exist, and which is sufficient to enable the municipality by its fiat to entitle the defendants to act as they have done.

I do not think that a mere power given to permit the erection of electric power poles and wires gives or implies a right to confer upon an electric company the legal power to interfere with the property of others upon the streets—and the addition of the power to regulate such erection and maintenance confers no such right. It is argued that the section of the Act of 1906 which has been cited is a delegation to the municipality of all the powers of the legislature in respect of electric power poles and wires; and that the legislature must have meant that the municipality should have full power to permit the electric power companies to place their poles and wires where the municipality saw fit upon the streets; and that wherever the municipality should permit a pole to be planted, there it might legally go, no matter whose property might be destroyed, and that the power given to regulate makes this the more clear. There is no such express provision in the legislation, and I cannot find anything of the kind implied. The power is given to allow the power lines to be erected and maintained upon the streets, which power did not previously exist under the Muni-