

APPENDIX No. 2

of this Act with respect to the powers and rights of any company covered by that section and with respect to proceedings where the company cannot obtain the consent of the municipality shall, subject to the provisions of this section, apply to the company and to any application to the Board and to all proceedings thereon, and to the powers of the Board in the premises."

Then subsection 4:

"Nothing contained in this section shall be deemed to authorize the company, nor shall the company have any right to acquire, construct, maintain or operate any distribution system or to distribute light, heat, power or electricity in any city, town or village; or to erect, put or place in, over, along or under any highway or public place in any city, town or village, any works, machinery, plant, pole, tunnel, conduits, or other device for the purpose of such distribution from the company first obtaining consent therefor by a by-law of the municipality."

That is the usual clause, that they shall not operate their works.

Mr. MACLEAN: Is this the standard clause in the Railway Act?

Mr. MACDONELL: Yes, and it is perfectly fair and a proper safeguard. Then this proviso is added:

"provided that this subsection shall not prevent the company from delivering or supplying such power by any means now existing or under the provisions of any contract now in force for use in the operation of any railway or for use by any other company lawfully engaged in the distribution of such power within any such city, town or village."

That provides for maintaining any existing system or contract which the company may have.

Mr. NESBITT: Does it?

Mr. MACDONELL: I think so. Mr. Johnston can answer that perhaps better than I can.

Mr. CARVELL: How can they extend their business if the municipality will not allow them to?

Mr. MACDONELL: That is a general law now applying to all companies; but this proviso maintains any right that is existing, or any existing contract.

Mr. CARVELL: They would be in pretty hard shape to compete under present conditions.

Mr. MACDONELL: That is the existing law to-day.

Mr. JOHNSTON, K.C.: It means that the present poles and wires may be maintained, but the company cannot add to its system.

Mr. CARVELL: It cannot go any further.

Mr. JOHNSTON, K.C.: No.

Mr. CARVELL: That means the end of the company.

Mr. MACDONELL: It applies to all companies.

Mr. JOHNSTON, K.C.: We are dealing with the Toronto and Niagara Power Company. This company may maintain such poles as it has now, but it cannot add to them.

Mr. NESBITT: It has not got any at present.

Mr. JOHNSTON, K.C.: Yes, it has. The company runs along Eglinton Avenue and up Bathurst Street.