

**WAY.**

**Hudson's Bay Co.'s Lands—Old Trail—Survey and Transfer to Territories — Obstruction — Compensation — Petition of Right.**—Where a statute authorizes the expropriation of private land, the owner is not entitled to compensation, unless the statute so provides. Even where compensation is payable by the statute, the party expropriating may (unless the statute otherwise provides) enter upon the land for the purposes expressed by the statute, without being liable to an action for damages; the owner must take such proceedings as may exist for obtaining compensation—in the case of the Crown expropriating by petition of right in the exchequer court. Where land, which was part of the lands reserved to the Hudson's Bay Company, was sold in a state of nature to a purchaser, who obtained a certificate of ownership therefor under the Territories Real Property Act, and cultivated and enclosed it, thus preventing the use

of an old trail, which, subsequently, was surveyed and transferred to the Lieutenant-Governor for the use of the Territories:—Held, that the purchaser was rightly convicted of obstructing a public highway. *Regina v. Nimmons* (Ct. 1892), p. 415.

**Highway—Private Way — Dedication Plan—Injunction.**—The plaintiff's predecessor in title bought a certain lot according to a plan (then unregistered), on which was shewn a strip 33 feet in width, running along one side of the lot. The plaintiff claimed that this strip had been dedicated, either as a public highway or a private way for the use of the owner of the lot, and claimed a declaration to that effect and an injunction. On the evidence, the Court found for the plaintiff and gave judgment, accordingly. *Daly v. Robertson* (Rouleau, J., Ct. 1892), p. 4.

See CROWN LANDS.