

of the plaintiffs, and the defendants pleaded that the sum included matters, claims, and demands, in respect of which the arbitrators had no jurisdiction, as being beyond the scope of the reference. They also counter claimed for damages for delays, not allowed in writing by their engineer in chief, and which claims the arbitrators had disallowed. In the Supreme Court of Victoria the claim of the plaintiffs had been dismissed, and the counterclaim of the defendants allowed. The Judicial Committee of the Privy Council (The Lord Chancellor, Lords Macnaghten, Davey and Robertson) came to the conclusion that the Colonial Court had erred in both points. The Court below had held the award bad, but the Privy Council held it to be valid and not open to objection, because it appeared that the matters actually referred were those mentioned in the submission, and it was no objection to the award that it did not state on its face that other matters not referred had been rejected from consideration; neither was it bad because the arbitrators had taken evidence on matters not referred, but not shewn to have been irrelevant to the inquiry, or to have been included in the sum awarded. With regard to the counterclaim the Privy Council found that by the contract, the refusal of the Chief Engineer to grant a certificate allowing delay, was to be subject to arbitration, and that under the submission a final award could be made without sending the matter back to the engineer, and it was therefore held that the award was valid as to the counterclaim which was accordingly disallowed.

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## REPORTS AND NOTES OF CASES.

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### Dominion of Canada.

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#### SUPREME COURT.

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Que.] GRAND TRUNK RAILWAY v. THERRIEN. [Oct. 8.

*Railways—Farm crossings—G. T. R. Co.—Interpretation of statute—Railway Act of Canada, s. 191—16 Vict. c. 37, s. 2—18 Vict. c. 33, s. 4—14 and 15 Vict. c. 51, c. 9, s. 16—Constitutional law—Jurisdiction of provincial legislature.*

An owner whose lands adjoin a railway subject to the Railway Act of Canada, upon one side only, is not entitled to have a crossing over such railway under the provisions of that Act, and the special statutes in respect