

CHAPTER IV.

INDICTMENT AND MANDAMUS.

Indictment—Remedy in England—Different statutory provisions in Canada—Procedure under C. S. C. cap. 85, *sec.* 3—History of the section—Reasons for believing it to be in force—Punishment thereunder—Procedure under the Criminal Code—Sections applicable—Scope of the provisions—Cases decided thereunder—When conviction may be had—Punishment provided—Procedure at common law—Reasons for believing common law to be still in force—Results in the different provinces—What is indictable nuisance—Numerous decisions cited—When criminal information lies—No preliminary investigation allowed—Punishment—When discharge obtainable—Mandamus—When it lies—When not—Rule in United States.

CHAPTER V.

LIABILITY RESPECTING STREETS.

Meaning of the word street—What constitutes a public street—Statutory provisions in Ontario bearing thereon—Cases decided thereunder—The Survey Act—Authorities—Statutory provisions in Manitoba—Highway by dedication—Authorities on the point—General liability for non-repair of streets—Width of street to be kept in repair—Excavations and obstructions—When corporation liable for—When private person liable for—Licensee—Position of—When corporation liable for acts of—Obstructions or excavations placed or made by corporation—Permissible obstructions—Foot passengers using carriage way—Illustrations of obstructions or excavations involving liability—Illustrations of obstructions or excavations not involving liability—Objects frightening horses—Authorities—The American view—Noises frightening horses—Authorities—Runaway horses—When corporation liable for damage to—Defective plan of construction—Authorities reviewed in United States and Canada—Defective construction—Failure to keep up standard of repair—Non-removal of snow and ice—Authorities—Lighting of streets—Extent of liability for—Railway crossings—Level crossings—Extent of liability for accidents at.

CHAPTER VI.

LIABILITY RESPECTING TOWNSHIP ROADS AND HIGHWAYS.

Necessity for separate treatment—What constitutes a road—Statutory provisions in Ontario—Cases decided thereunder—The