

ritory shall constitute the municipal corporation; and it is inconsistent with that principle and Act to give to the municipal corporation of a county municipality any municipal jurisdiction over the territory of a city, or any municipal power of interference which might violate the rule of local self-government or in any way create an antagonism in the administration of the municipal law.

The Mimico Railway Act and agreement are set out in the Act 54 Vict. ch. 96 (1891), and provide (clause 5) that the location of the railway on the Lake Shore road shall not be made until the plans shall have been submitted to and approved by the warden, county commissioners, and engineer. And also (clause 9) that the railway shall not be opened to the public, nor put in operation, until the sanction of the warden and commissioners of county property has been previously obtained by enacting a special resolution to that effect, which sanction may be granted upon a certificate of the county engineer declaring that the railway has been constructed in accordance with the prescribed conditions.

As a corollary to the general principle of municipal law above stated, this provision must be read as not ousting the jurisdiction and powers of either the municipal corporation of the city of Toronto, or of its city engineer, as set out in the statute and agreement of 1892, in so far as the same are operative over this Lake Shore road, as one of the city streets or highways, especially in clause 10 of the conditions, which is made part of the Act, and which provides that any additions to the present rails, tracks, and road-bed "shall be done under the supervision of the city engineer," which, I think, were clearly binding on the defendant company.

By the Mimico Railway Act of 1891 (54 Vict. ch. 96) an agreement between the Toronto and Mimico Electric Railway and Light Company (Limited) and the municipal council of the county of York, dated the 23rd December, 1890, was ratified, confirmed, and declared to be valid and binding, and the company were authorized to locate and operate their electric railway along the north side of that portion of the Lake Shore road owned by the county.

Among the provisions in this statutory confirmed agreement was the following: "21. The company, their successors or assigns, shall construct and have open for travel their proposed line of railway or tramway within two years from the first day of January, 1891; and in default thereof, the company, their successors or assigns, shall forfeit all the rights, privileges, and advantages granted by this agreement or acquired thereunder; and all such rights, privileges, and ad-