

DIARY FOR MAY.

1. Sun.....2nd Sunday after Easter. St. Philip and St. James.
2. Mon.....J. A. Boyd, 4th Chancellor, 1881.
4. Wed.....Mr. Justice Henry died, 1888.
6. Fri.....Lord Brougham died, 1868, at 90.
8. Sun.....3rd Sunday aft r Easter. York vacated by United States troops, 1813.
10. Tues.....Supreme Court of Canada will sit. Court of Appeal sits. General Sessions and County Court sittings for trial in York.
14. Sat.....First Illustrated Newspaper, 1842.
15. Sun.....4th Sunday after Easter.
16. Mon.....Easter Term begins. Q.B. & C.P. Divisions of H.C.J. sittings begin.
21. Sat.....Confederation proclaimed, 1867.
22. Sun.....Rogation Sunday. Earl Dufferin Governor-General, 1872.
24. Tues.....Queen Victoria born, 1819.
25. Wed.....Princess Helena born, 1846.
26. Thur.....Ascension day.
27. Fri.....Habeas Corpus Act passed, 1679. Battle of Fort George, 1813.
29. Sun.....1st Sunday after Ascension. Battle of Sackett's Harbour, 1813.

Early Notes of Canadian Cases.

SUPREME COURT OF JUDICATURE
FOR ONTARIO.

HIGH COURT OF JUSTICE.

Chancery Division.

FERGUSON, J.]

[March 31.

THE CANADA SOUTHERN RAILWAY CO.

The corporation of the town of Niagara Falls et al.—Incorporated companies—Railway company—Grant of easement by—User—Ultra vires—Title by prescription.

A company incorporated for any particular purpose has only power to do acts which are authorized by its charters or can be derived therefrom by reasonable implication as incidental to the purpose for which the company was created.

Held, that a railway company had no power to grant the privilege of laying pipes along its right of way for the conveyance of water to the town, and that any user of such short of forty years would not estop the company from objecting to its further use.

H. Symons for plaintiffs.

Moss, Q.C., and *Alex. Fraser* for defendants.

ROBERTSON, J.]

[April 5.

RE TORONTO STREET R. W. ARBITRATION.

Toronto Street R. W. Co.—Franchise—Property—Roadbed.

Held, that under the agreement and statutes relating to the Street Railway Company, their "privilege" could not be properly said to have been limited to thirty years only, because there was no obligation on the part of the city to assume the ownership of the railway at the expiration of that term.

Held, however, that this privilege or franchise could not be construed to be "property" the value of which was intended to be taken into account by the arbitrators when the city assumed the ownership of the railway. No provision was made for its valuation, either as to the basis on which it was to be ascertained, or otherwise indicating that it was not contemplated by the respective parties that the city should in money pay to the company for that which they, with the sanction and authority of the legislature, had granted for a term which they had the right to terminate after a fixed period.

Held, also, that the arrangement between the Street Railway Company and the city as to the roadbed did not entitle the former to have this roadbed treated as part of its railway property, to be valued and paid for by the city, which had at its own expense constructed it.

Held, lastly, that the franchise having been terminated by the city it no longer constituted a property of the company to be valued by the arbitrators.

McCarthy, Q.C., *Moss, Q.C.*, and *Shepley, Q.C.*, for the Street R. W. Co.

C. Robinson, Q.C., and *S. H. Blake, Q.C.*, for the city.

ROBERTSON, J.]

[April 11.

CORNELL v. ASSIGINACK.

Contempt—Injunction—Notice of intended application.

In this action the writ was issued to restrain the sale of lands in the District of Manitoulin at a tax sale. The writ, with a notice of motion for an interim injunction, was served on the defendants in Manitoulin on Oct. 22. The motion was made on Oct. 29th, and an injunction