

to be earned, but,

*Held*, that assuming the bonds not to be a valid charge upon the land grant, they were not on that account void, but were valid as to the rest of the property charged and as evidence of debt. *The Winnipeg & Hudson's Bay Railway Co. v. Mann*, 81.

## 2. Railway Company—Negligence

— *No platform — Station grounds not lighted.*—The plaintiff was a passenger on defendants' train from Winnipeg to Deloraine. The train arrived at Deloraine at 10.30 p.m. The night was dark and the station grounds were not lighted. There was no platform on which to alight, but the ground was smooth and level. A brakeman came with a lantern, carried out the plaintiff's valise and assisted her to alight. The lowest step of the carriage was 26 inches from the ground. Before assisting her to alight, the brakeman placed the lantern on the ground. It cast a light 20 or 30 feet around. In alighting, the plaintiff injured her knee and was compelled in consequence to abandon her employment as cook in a hotel at Deloraine. It appeared at the trial that the plaintiff's knee had been weak for some time previously and that she had been affected with synovites in a sub-acute form. She did not tell the brakeman of this weakness of the knee.

In an action brought for this injury,

*Held*, that the defendants were not guilty of negligence which should render them liable for the injury, and that if there was any negligence at all it was attributable to the plaintiff in not telling the brakeman of her feeble and deli-

cate knee. *McGinney v. The Canadian Pacific Railway Company*, 151.

## 3. Railway Company—C. P. R. lands in added territory—Condition in Extension Acts—License to hold lands — *Ultra vires.*—The Canadian Pacific Railway Company has power, without taking out the license required by the statutes of this Province, to take, hold, acquire, dispose of, sell, or contract to sell, or grant the lands situated in the territory added to Manitoba in 1881, which have been granted and are to be granted to the Company as part of its subsidy for the construction and operation of its railway, under 44 Vic., c. 1; (D. 1891.)

49 Vic., c. 11, (M. 1886) and 53 Vic., c. 23, (M. 1890) are *ultra vires* in so far as they affect the C. P. R. Co., in respect of any of the above mentioned lands. *Re The Canadian Pacific Railway Company*, 389.

See ARBITRATION AND AWARD, 1, 2.

## REAL PROPERTY ACT.

### 1. Allegation in petition—*Affidavit supporting caveat.*—In a petition under The Real Property Act, it is not necessary to allege that the caveat was supported by an affidavit or statutory declaration. When the petition alleges that a caveat was filed in the prescribed form, it is presumed that the requirements of the Act have been complied with. *Downs v. Campbell*, 34.

### 2. Trust estates — Priority between registered *f. fa.* and unregistered transfer—*Petition—Affidavit evidence.*—On the 23rd February, 1888, G. was the registered owner