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JUDICIAL COMMITTEE OF THE PRIVY COUNCIL.

JUNE 23RD, 1916.

*CITY OF TORONTO v. TORONTO R. W. CO.

*Street Railway—Agreement with City Corporation—55 Vict. ch. 99
(0.)—Exclusive Right to Operate upon Streets—Exception—
Restriction—Effect of sec. 1 of Act.*

Appeal by the Corporation of the City of Toronto from the judgment of a Divisional Court of the Appellate Division of the Supreme Court of Ontario, Re Toronto R. W. Co. and City of Toronto, 34 O.L.R. 456.

The appeal was heard by a Board composed of LORD BUCKMASTER, L.C., EARL LOREBURN, and LORD SHAW.

The judgment of the Board was read by the LORD CHANCELLOR, who said, in part, after setting out the facts:—Their Lordships consider that the terms of the agreement itself do not, when once the facts are understood, present any real difficulty. It is the manner in which these rights have been confirmed by statute which gives rise to the only question of uncertainty in the case. The statute is 55 Vict. ch. 99 . . . The actual words which give rise to the difficulty are these (sec. 1): "It is hereby declared that under the said agreement the purchasers acquired and are entitled to the exclusive right and privilege of using and working the street railways in and upon the streets of the said city of Toronto, except that portion of Yonge street north of the Ontario and Quebec Railway and that portion of Queen street (Lake Shore road) west of Dufferin street; and that the purchasers acquired

*This case and all others so marked to be reported in the Ontario Law Reports.