

the appellants from the nature of their business must have been aware of it. The respondents, after the appeal was on the list for hearing, petitioned to rescind the order allowing leave to appeal. Their Lordships (Lords Finlay, Cave, Shaw, and Parmoor) in these circumstances rescinded the order giving leave to appeal and dismissed the appeal with costs.

CANADA—RAILWAYS—DOMINION RAILWAY BOARD—LEGISLATIVE POWER OF DOMINION—STATUS OF DOMINION RAILWAY BOARD—CARRYING HIGHWAY OVER DOMINION AND PROVINCIAL RAILWAYS—APPORTIONMENT OF COST—APPEAL FROM RAILWAY BOARD TO PRIVY COUNCIL—PETITION FOR SPECIAL LEAVE—R.S.C. (1906) c. 37, ss. 46, 59, 237, 238—8-9 EDW. 7, c. 32 (D), s. 5—B.N.A. ACT, ss. 91, 92.

*Toronto Railway Co. v. Toronto* (1920) A.C. 426. This was an appeal by the Toronto Railway from the order of the Dominion Railway Board apportioning the cost of the construction of a bridge over a highway intersected by the appellants' provincial railway, and two Dominion railways. The preliminary objection was taken that no appeal lay from the Dominion Railway Board to the Privy Council, but their Lordships (Lords Finlay, Cave, Sumner, and Parmoor) overruled the objection and held that the Board was a Court of record from whose decisions it was competent for the Committee to allow an appeal though such leave should be granted only under special circumstances. It was also urged that, on the application for leave to appeal, the reasons for delay were inaccurately stated. Without actually deciding the point their Lordships intimated that if it had been necessary they would probably have given effect to it; but having heard the case discussed on the merits they dismissed the appeal on the ground that the order objected to was mandatory, and not merely permissive as the appellants contended that the powers conferred on the Board in relation to the matters in question were within the legislative powers of the Dominion, and that s. 46 of the Dominion Railway Act (R.S.C. c. 37) under which the order of the Board was made a rule of the Supreme Court of Ontario was *intra vires*.

CANADA—LEGISLATIVE POWERS OF PROVINCE—PROVINCIAL RAILWAY BOARD—ENFORCEMENT OF ORDERS OF RAILWAY BOARD—ONTARIO RAILWAY ACT (R.S.O. 1914, c. 185), s. 260A—B.N.A. ACT (30-31 VICT. c. 30, IMP.), s. 92 (15).

*Toronto Ry. v. Toronto* (1920) A.C. 446. This was an appeal from the Supreme Court of Ontario (44 O.L.R. 381) affirming