

REPORTS AND NOTES OF CASES.

Dominion of Canada.

SUPREME COURT.

Board of Railway Commissioners.] [Feb. 15.

G.T.R. Co. v. DEPARTMENT OF AGRICULTURE.

Appeal—Limitation of time—Railway Commissioners—Question of jurisdiction—Leave of judge—Powers of Board—Completed railway—Order to provide station—R.S. (1906) c. 37, ss. 26, 151, 158-9, 166-7 and 258.

Except in the case mentioned in rule 59 there is no limitation of the time within which a judge of the Supreme Court may grant leave to appeal under s. 56(2) of the Railway Act on a question of the jurisdiction of the Board of Railway Commissioners.

The Board of Railway Commissioners has power to order a railway company whose line is completed and in operation to provide a new station at any place where it is required to afford proper accommodation for the traffic on the road.

Appeal dismissed with costs.

Chrysler, for appellant. Lancaster, K.C., for respondent.

Ont.] [Feb. 15.

ALEXANDER BROWN MILLING CO. v. CANADIAN PACIFIC RY. CO.

Lessor and lessee—Covenant to renew—Severance of term—Consent of lessor—Enforcement of covenant—Expropriation.

A lease of water lots in Toronto contained a covenant by which the lessees at the expiration of the term, on conforming to the conditions and giving notice to the lessors, would be entitled to a renewal or payment for their improvements at the option of the latter. Part of the leasehold premises were sold by the lessees to the C.P. Ry. Co. and the balance became vested in the appellants who gave the required notice for renewal as to their portion and remained in possession for some time after the