

The plaintiffs were not entitled to a remedy by mandamus. The council's neglect or refusal to interfere was a mere act of nonfeasance.

No case exactly in point was cited, but the principles laid down in *Hislop v. Township of McGillivray* (1890), 17 S.C.R. 479, and in *Dick v. Township of Vaughan* (1917), 39 O.L.R. 187, were directly opposed to the granting of this form of relief.

Perhaps Huffman was indictable for obstructing the highway.

Action dismissed with costs.

NEW TORONTO BOARD OF TRADE V. VILLAGE OF NEW TORONTO—
FALCONBRIDGE, C.J.K.B.—JULY 11.

Street Railway—Agreement with Municipal Corporation—Removal of Tracks—Injunction.]—Action to restrain the defendants from removing the tracks of the defendants the Toronto and York Radial Railway Company, lying within the limits of New Toronto, from their present position towards the Toronto and Hamilton Highway, and to restrain the defendants from constructing switches etc. The action was tried without a jury at Toronto. FALCONBRIDGE, C.J.K.B., in a brief memorandum, said that he was told that immediate judgment was desired, and so, without stating reasons, he referred to the extended notes of the argument, and said that he agreed on all points with the contentions of the defendants' counsel. The action should be dismissed with costs. V. H. Hattin, for the plaintiffs. A. J. Anderson, for the defendants the Corporation of the Village of New Toronto. R. S. Robertson, for the defendants the Toronto and Hamilton Highway Commission. J. H. Moss, K.C., for the defendants the Toronto and York Radial Railway Company.

HETTING V. SNEETH—BRITTON, J.—JULY 11.

Vendor and Purchaser—Agreement for Sale of Land—Authority of Agent of Vendor—Statute of Frauds—Specific Performance—Discretion.]—Action for specific performance of a contract alleged by the plaintiff to have been made with him by the defendant for the sale by the defendant of the north half of lot 10 in the 2nd concession of the township of Miscampbell. The action was tried without a jury at Fort Frances.