

gation Act, 1898, obtained authority to carry the irrigation canals constructed by them across the road allowances met with in their route—and the question was whether they could exercise this right without also providing necessary bridges wherever they thus rendered the road allowances impassable. The Supreme Court was of the opinion that as to travelled roads the company were bound to provide bridges, but the majority of that Court considered that the certificate of the Commissioner of Public Works under which the canals were authorized exonerated the railway from providing bridges at the intersection of road allowances which were not travelled.

POWER TO ERECT POLES FOR ELECTRIC WIRES IN STREETS—RIGHT OF MUNICIPALITY TO PREVENT ERECTION OF POLES—2 EDW. VII., c. 107, s. 12, 13, 21D.—RAILWAY ACT, 1888, s. 90D.—RAILWAY ACT, 1906, s. 247D.

*Toronto & Niagara Power Co. v. North Toronto* (1912) A.C. 834. This is the case in which the plaintiffs successfully established their right under their act of incorporation, 2 Edw VII., c. 107, Can., to erect their poles in the public streets of North Toronto without the permission or consent of the municipality, and also established that s. 90 of the Railway Act of 1888, as amended by the Railway Act, 1906, s. 247, being inconsistent with the plaintiffs' special Act, was by s. 21 of the latter Act inapplicable to the plaintiffs. The judgment of the Court of Appeal for Ontario was therefore reversed by the Judicial Committee of the Privy Council (Lord Haldane, L.C., and Lords Macnaghten, Dunedin and Atkinson and Sir Charles Fitzpatrick).

NEGLIGENCE—MOTOR CAR—RETENTION OF CONTROL OF CAR BY OWNER.

*Samson v. Aitchison* (1912) A.C. 844. This was an appeal from New Zealand. The action was for damages for injuries occasioned by the negligent driving of a motor car. The facts were a trifle peculiar—a Mrs. Collins was desirous of buying a motor car. Samson offered to sell her his own car and took her for a drive in the car. On returning, Mrs. Collins was anxious that her son Albert should give his advice and opinion about the car, he having had two years' experience as a chauffeur. For the purpose of testing the car as a hill climber, all three got into the car, Samson driving. As they were coming down hill Samson and Albert changed seats and Albert took the wheel.