

own; and, the application of which notice had been given not having been made, the by-law became a valid one at the expiration of six weeks from its final passing; and the motion to quash it was dismissed with costs. *Re McCormick and Corporation of Howard*, 260.

10. *Compensation — Expropriation — Arbitration and award.* — Where the land itself upon which a trade is carried on, is expropriated, damage to the goodwill may be a proper subject of compensation.

*Ricket's Case*, L. R. 2 H. L. 175, distinguished. *Re McCauley and Corporation of Toronto*, 416.

11. *Highway carried over railway — Liability of municipal corporation — Liability of railway company.* — *R. S. O. ch. 184, sec. 531.* — Notwithstanding any liability which may be cast by statute upon a railway company to maintain and repair a bridge and its approaches by means of which a highway is carried over their railway, such highway is still a public highway, and as such comes within the provisions of the Municipal Act, R. S. O. ch. 184, sec. 531, requiring every public road, street, bridge, and highway to be kept in repair by the municipal corporation, who are not absolved from liability for default by the liability, if any, of the railway company. *Mead v. Corporation of Etobicoke and Grand Trunk R. W. Co.*, 438.

12. *Action to compel maintenance of road — Assumption of road by corporation — Statute labour done with consent of municipal officers — Remedy by indictment.* — In an action to compel a municipal corporation to maintain and repair a street laid out by private persons, it appeared that

such street was not established as a highway by by-law nor assumed for public user by any corporate act of the municipal corporation; but it was contended that the performance of statute labour thereon with the consent of the councillor for the ward and of the reeve, was evidence that it was otherwise assumed for public user:—

*Held*, that the acts required to work such an assumption must be corporate acts, clear and unequivocal, and such as clearly and unequivocally indicate the intention of the corporation to assume the road; and the acts relied upon in this case could not bind the corporation nor work such an assumption:—

*Held*, also, following *Hislop v. McGillivray*, 15 A. R. 687, that even if the street had been assumed for public user, the plaintiff's only remedy was by indictment, and the action was not maintainable. *Hu- bert et al. v. Corporation of Yar- mouth*, 458.

#### See COVENANTS FOR TITLE.

#### MURDER.

See CRIMINAL LAW, 2.

#### NEGLIGENCE.

See MUNICIPAL CORPORATIONS, 5  
— RAILWAYS AND RAILWAY COM-  
PANIES, 1.

#### NEW TRIAL.

See MALICIOUS PROSECUTION, 1.