
REPORTS AND NOTES OF CASES.

Dominion of Canada.

BOARD OF RAILWAY COMMISSIONERS.

RE APPLICATION TO CLOSE HIGHWAYS.

Drayton, Ch. Com.]

[12 D.L.R. 389.

Highways—Closing—Power of Railway Commission.

The jurisdiction of the Board of Railway Commissioners as to the closing of a highway is limited to the extinguishment of the public right to cross the railway; and this power is ordinarily exercised by first granting permission to divert the highway and afterwards making the order to close the road allowance within the limits of the company's right-of-way after the construction of the new grade crossing on the diverted highway.

Drayton, Ch. Com.]

[12 D.L.R. 475.

GRAND TRUNK RY. CO. v. CANADIAN PACIFIC RY. CO.

Railways—Crossing by other railway—Overhead bridge—Contract to maintain—Change in traffic conditions.

On it becoming necessary to repair or replace an overhead bridge carrying the tracks of a railway company over the road of another railway company, the latter is bound to provide a structure sufficient for the conditions of modern traffic, although the bridge displaced was ample for the needs at the time it was built, where, by contract, it was required at its own expense to maintain such bridge in a good and safe state, so as not to endanger the property fixed or moveable, of the other company, and to save it from damage due to the construction or non-maintenance of the bridge.

Province of Ontario.

SUPREME COURT—APPELLATE DIVISION.

Meredith, C.J., Magee and Hodgins, J.J.A.,
Sutherland, J.]

[12 D.L.R. 512.

COCKBURN v. KETTLE.

Malicious prosecution—Termination of proceedings—Rebutting prima facie case—Compromise.

It may be shewn in defence of an action for malicious prosecution that the termination of a criminal proceeding in the