

charter of the company, secs. 17 and 19 of ch. 113 of N.S. Acts, 1911, provide that whenever it is necessary that the company should be vested with land, lakes or streams or land covered with water for the purposes of its business and no agreement can be made for the purchase thereof, the Governor-in-Council may order its expropriation if satisfied that the property is actually required for the business of the company, and that it is not more than is reasonably necessary therefor, and that the expropriation is otherwise just and reasonable. (*Per Townshend, Ritchie, and Longley, JJ.*)

2. The court will not enjoin a proposed application by a company to the Governor-in-Council for permission to expropriate land or an easement for the purposes of its business, as permitted by its charter, ch. 113 of N.S. Acts, 1911, on the ground that the property sought was not such as could be acquired by expropriation, because affected with public rights, or rights already acquired by others under statutory grants; since the court cannot assume in advance that the Governor-in-Council will exceed his jurisdiction or act illegally and grant permission to take land not subject to expropriation. (*Per Townshend, C.J., and Longley, J.*)

3. Statutory powers of expropriation in the incorporating statute of a power company are to be strictly construed so as not, by mere general words authorizing expropriation for the damming of a river, to deprive the public of rights theretofore existing unless a clear legislative intention to abrogate public rights is disclosed in the statute. (*Per Ritchie, J.*)

T. S. Rogers, K.C., for appellants. H. Mellish, K.C., and F. H. Bell, K.C., for respondents

Province of British Columbia

COURT OF APPEAL.

Macdonald, C.J.A., Irving, Martin, and
Gallihier, J.J.A.]

[13 D.L.R. 822.

McKissock v. McKissock.

*Husband and wife—Property rights—Transactions between—
Purchase of land by wife with money furnished by husband
for investment for joint benefit.*

A married woman who purchases land in her own name with