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REPORTS AND NOTES OF CASES.

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**Dominion of Canada.**

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**SUPREME COURT.**

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**JOHNSTON v. THE KING.**

[May 8.]

*Petition of right—Contract—Powers of Commissioners of the Transcontinental Railway—Liability of Crown—Construction of statute—3 Edw. VII. c. 71.*

The National Transcontinental Railway Act, 3 Edw. VII. c. 71 (D.), does not confer powers upon the Commissioners of the Transcontinental Railway in respect to the inspection and valuation of lands required for the purposes of the "Eastern Division" of the railway; consequently, a petition of right will not lie for the recovery of remuneration for services of that nature.

Judgment appealed from (13 Ex. C.R. 155) affirmed, IDINGTON, J., dissenting.

M. G. MacNeil, for appellant. Newcombe, K.C., for respondent.

Ont.]

[May 15.]

**CITY OF WOODSTOCK v. COUNTY OF OXFORD.**

*Municipal corporation—City and county—Separation—Agreement as to assets—Subsequent discovery of funds not included—Action for city's share.*

In 1901 the town of Woodstock was incorporated as a city, and in February, 1902, the city and the county of Oxford entered into an agreement, ratified by their respective by-laws, purporting to settle all questions between them arising out of the erection of the town into a city. This agreement was acted upon until December, 1907, when the city, claiming to have discovered the existence of a fund of \$37,000, collected from the ratepayers of the several municipalities composing the county, which had not been considered in the settlement, brought action for its share of said fund, but did not ask for rescission or modification of the agreement.