

2. *Compensation—Gift of land—Statute of Limitations.*—S. being the owner of lands through which the defendants desired to build their road, agreed to give them the right of way, and the company, with his written permission, took possession without compensation and constructed their road, and had up to this time been in uninterrupted possession for more than ten years. The plaintiff, claiming under S. now demanded compensation and obtained a mandamus nisi to proceed to arbitration under the Railway Act, 1868.

*Held*, affirming the judgment of GALT, J., that the plaintiff was not entitled: that S. having the right to accept any or no compensation, and having elected to take none, the company then became entitled to the lands, and the plaintiff could not succeed.

*Per* GALT, J. The ten years possession of the company had extinguished the title of S. and those claiming under him, and vested it in the company. *Thompson v. The Canada Central R. W. Co.*, 136.

3. *Track crossing on company's premises—Statutory duty.*—C. S. C. ch. 66, secs. 104, 144-5.]—*Held*, that a mere track crossing, on a road or way on a railway company's own grounds for the convenience of passengers and others in going to and from the station on railway business, is not a public crossing, highway, or place, within sec. 104 of C.S.C. ch. 66, so as to subject the company to the requirements of that section of ringing the bell or sounding the whistle when approaching such crossing; but *semble*, apart from the statute, care must be taken when starting their engines from the station.

*Semble*, also, that sec. 145, requiring a person to be stationed on the last car in the train, applies to the station grounds of railway companies in cities, towns, and villages, as well as to the limits outside of such station grounds. *Bennett v. The Grand Trunk R. W. Co.*, 446.

4. *Railway on highway—Leave of municipality—Acquiescence by corporation—Exercise of municipal powers/without by-law*—31 Vic. ch. 68, D, sec. 10.—R. S. O. 174, sec. 277.]—Where a railway company constructed their railway along a highway in a municipality, the council whereof were not formally applied to for leave, but subsequently passed a resolution notifying the railway company to fill up the ditch existing on both sides of the railway, and to put down proper crossings:

*Held*, that the corporation had thereby admitted that the railway company were lawfully in occupation of the highway, and could not afterwards object,

The leave of the municipal or local authorities required by 31 Vic. ch. 68, D., before a railway is carried along an existing highway, may be granted at any time whether before, during, or after the construction of the railway, and need not necessarily be given by by-law.

*Semble*, that R. S. O. ch. 174, sec. 277, enacting that the powers of township councils shall be exercised by by-law—must be construed as referring only to the exercise of powers of the council under the Municipal Act, and not to powers which may be exercised under a special Act passed for other purposes or by another Legislature.

*Held*, also, that the corporation having stood by while the railway was constructed, and subsequently