

Court for Upper Canada. The first of these,—*Regina v. Grand Trunk Railway Co. of Canada* (15 Q. B. Toronto, 121),—was an indictment for nuisance against the company, who had, in constructing their line, occupied for a considerable distance, the whole of a public street, to the exclusion of the public, with the leave of the municipality. The prosecutor maintained that the municipality had no power to grant such leave. The Judge of first instance, and the learned Judges of the Court of Queen's Bench, held that under Section 12 the municipality had power to sanction the closing of a public street; and that, their leave having been duly given, no indictment would lie. In the second case,—*Re Day and The Town Council of Guelph* (15 Q. B. Toronto 126),—the same question was raised in different circumstances, and was decided in the same way.

Their lordships cannot assume that the Dominion Legislature, when they adopted the clause *verbatim* in the year 1888, were in ignorance of the judicial interpretation which it had received. It must, on the contrary, be assumed that they understood that Section 12 of the Canadian Act must have been acted upon in the light of that interpretation. In these circumstances their lordships, even if they had entertained doubts as to the meaning of section 12 of the Act of 1888, would have declined to disturb the construction of its language which had been judicially affirmed.

The practical result of these views is, that effect ought to have been given to the discontinuance filed by the Attorney-General in July 1890; and that the Court of Queen's Bench were right in dismissing the action upon that ground. But the discontinuance was without costs, and it follows that the Court ought not to have given the company the costs incurred by them prior to its date. Their lordships will therefore humbly advise Her Majesty to affirm the judgment appealed from, with the variation as to costs which they have indicated. The appellant must pay to the respondent company their costs of this appeal.

Appeal dismissed.

*Bompas, Q. C.*, and *Hohler*, for appellant.

*Hon. Ed. Blake, Q. C.*, and *H. Abbott, Q. C.*, (both of the Canadian bar) for respondents.

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BAR ELECTIONS.—At the annual meeting of the bar for the district of Montreal, held May 1, the elections resulted as follows :—

Bâtonnier—Hon. J. E. Robidoux, Q. C.

Syndic—Mr. Arthur Globensky, Q. C.

Treasurer—Mr. C. B. Carter, Q. C.

Secretary—Mr. L. E. Bernard.

Council—Messrs. W. W. Robertson, Q. C., Eugène Lafleur, J. A. C. Madore, R. Dandurand, Hon. H. Archambault, Q. C., L. J. Ethier, Q. C., C. A. Geoffrion, Q. C., and John Dunlop, Q. C.