

bservations from Mr. Justice Johnson, in giving judgment upon some motions in the Laval election case on the 18th instant. His Honour remarked that, "in England and in the other Provinces of Canada, election cases were much like other cases, as far as concerns the time they took. Here we had hundreds of witnesses, without any one knowing what they were going to say, which rendered an opening statement impossible, and it would suffice to mention, as regards the abuse of time, the last election in this very county, where the petition was pending and undecided during almost the entire duration of one Parliament. Then, as regards the numbers of these petitions, they bid fair to engross the time of the courts, and seemed to show that we must either be the one people in the British Dominions peculiarly unfitted for free elective institutions, or else the people most addicted to unprincipled litigation."

SUPERIOR COURT.

ST. JOHN'S, (District of Iberville), Nov. 29, 1886.

Before GILL, J.

EX parte THE ATLANTIC & NORTHWEST RAILWAY Co., expropriating parties, and DUNN et al., expropriated parties.

Railway—Warrant of possession.

Held:—1. *That a petition by a railway company to obtain a writ of possession of property required for the construction for their right of way, will be granted upon security being given to the satisfaction of the Judge, when by affidavit to the Judge's satisfaction the railway company establishes that the possession of the property is immediately required for the purposes of the railway.*

2. *Where the railway company has allowed the delays required by the Railway Act to expire before making the application, no further delay can be demanded by the proprietors.*

3. *That the railway company in serving a notice of expropriation is merely bound to give the name of their arbitrator, without any indication as to his residence or occupation.*

4. *That a clerical error in the description of the property to be expropriated in the petition cannot be urged as a ground of nullity when the property is correctly described in the expropriation notice; and the clerical error does not form an essential part of the description and is not misleading as to the identification of the property.*

The Railway Company served the proprietor with an expropriation notice describing the property required to be taken, naming the amount offered, and mentioning Duncan MacDonald as Arbitrator in the event of the offer being refused.

After having allowed the necessary delays to expire, the Company served the proprietor with a petition for a writ of possession supported by affidavits, praying that a warrant be issued by the Judge to put the Company in possession and giving ten days' previous notice of the application.

Upon the day the petition was to be presented, there being no Judge sitting in the district, the petition was continued from day to day, and finally was heard, about a week after notice of presentation had been given.

The petition was contested:

First—That the proprietors had not had sufficient time to obtain affidavits to show the position in which they were placed, and asking for a further delay.

Secondly—That the petition was not in order, there being a clerical error in the description of the property:—

Thirdly—That the name of Duncan MacDonald had been mentioned in the expropriation notice, without designating his residence or occupation, and that the notice was not a sufficient notice under the Railway Act.

The following is the text of the judgment:—

"We, the Honorable Charles Gill, Judge of the Superior Court, in the Province of Quebec, now in the town of St. Johns, district of Iberville, having heard on the twenty-fifth day of November instant, the above named parties, by their respective Counsel, on the petition of the said Railway Company, to obtain immediate possession of the strip of land hereinafter described, for