

—*Soil vested in Crown—22 Vic. ch. 99, sec. 301—Parties.*]—Certain lands on which were two roads called "Water street" and "The Road to the Wharf," being required for public works, were expropriated by the Dominion Government, and the compensation therefor was claimed by the corporation of the village in which the roads were, and by one R. C. S. through or over whose lands the roads ran.

It appeared that the roads were established as public highways by the municipal authorities by by-laws in the years 1842 and 1845, respectively, under 4 and 5 Vic. ch. 10, secs. 39 and 51, although no compensation was paid to the owners therefor.

*Held*, that although originally the soil and freehold of the roads or streets may have remained in the private owner, subject to the public easement (the right of user); since the year 1858, at all events they became vested in the Crown as representing the Province of Ontario, by virtue of 22 Vic. ch. 99, sec. 301, and that the compensation therefor was payable to the Attorney-General of Ontario, who was ordered to be made a party in order to give protection to the Dominion Government in expropriating the land. *Re Trent Valley Canal. "Re Water Street" and "The Road to the Wharf,"* 687.

QUARTER SESSIONS.

*See CANADA TEMPERANCE ACT, 1878, 1.*

RAILWAYS AND RAILWAY COMPANIES.

1. *Consolidated Railway Act of 1879, 42 Vic. ch. 9 (D.)—Expropria-*

*tion of land—Plans and book of reference—Limits of deviation.*]

—The defendants having, in 1872, filed their plan and book of reference under the railway act, shewing their terminus at a certain point, and having built and used their line up to that point, desired in 1885 to extend their line about one-third of a mile further on, and took proceedings to expropriate certain land required for that purpose, and possession having been refused, applied to a County Judge for an order for immediate possession. On an application for an injunction to restrain the company from proceeding before the Judge on the ground that no new plan and book of reference shewing the land required had been filed, and in which the company contended that none were necessary, as they were within the limits of the deviation of one mile provided for by the statute, it was

*Held*, that "deviation" is a term not to be restricted to a lateral variance on either side of the line, but may mean a change *de via* in any direction within the prescribed limits, whether at right angles to or deflecting from or extending beyond the line. *Murphy v. The Kingston and Pembroke R. W. Co.,* 302.

2. *Railways—Fire caused from engine—Negligence—Evidence—Withdrawing case from jury.*]

—Action for negligence against the defendants in the conduct of their engine, whereby as alleged fire escaped therefrom and destroyed the plaintiff's property. The only evidence to connect the defendants therewith was that the fire occurred immediately after the engine had passed the plaintiff's barn and combustible manure heap: that as it passed steam was put on, which might