

the city of Toronto and the Toronto Street Railway, the latter were granted the exclusive privilege of operating a street railway in the city of Toronto for the period of thirty years, subject to a provision that at the expiration of that period the city might, on certain terms therein specified, assume the ownership of the railway, and all property used in connection with the working thereof, at a price to be fixed by arbitration. The railway was at first constructed along three streets only, but during the thirty years it was from time to time extended over other streets with the consent of the corporation, and it was contended by the railway company that this franchise or privilege of operating the railway was granted to them in perpetuity, or, at all events, they were entitled to it for, at least, thirty years from the time it was granted, and that in addition to the value of the property taken over by the city they were entitled also to be paid for the franchise or privilege of operating the street railway. The Privy Council agreed with the Court of Appeal that this contention was untenable.

ROAD—MUNICIPALITY, WHEN LIABLE FOR NEGLECT TO REPAIR ROAD—NON-FEASANCE.

Pictou v. Geldert, (1893) A.C. 524, appears to us to be likely to upset a good deal of Canadian law on the subject of the liability of corporations in whom is vested the care of public roads for damages occasioned by neglect to repair. In this case, which was an appeal from the Supreme Court of Nova Scotia, their lordships reversed the judgment of the court below, and have held that a municipal body is not liable in damages for injuries sustained by reason of nonfeasance on their part in not repairing a road under their control, unless in the Act vesting the control of the road in the municipality there is an indication of an intention to impose such a liability. *Bathurst v. Macpherson*, 4 App. Cas. 256, is distinguished as being a case of misfeasance.

ONTARIO MUNICIPAL ACT OF 1887 (R.S.O., c. 184), SS. 583, 586, 587, 589, 591—
DAMAGES FOR NONFEASANCE—NOTICE BEFORE ACTION—MANDAMUS—ARBITRATION.

Raleigh v. Williams, (1893) A.C. 540, is an appeal from the Supreme Court of Canada, 21 S.C.R. 103. The action was brought by Williams against the township of Raleigh to recover