

STREET RAILWAY—REMOVAL OF SNOW FROM TRACKS—ELECTRIC SWEEPER.

In *Montreal v. Montreal Street Railway Co.* (1903) A.C. 482, the plaintiffs had entered into a contract with the defendant company, whereby, inter alia, the defendants bound themselves to keep their track free from ice and snow. In order to carry out this part of their agreement they used an electric sweeper which brushed the snow off the track on to the other part of the roadway of the street on either side, causing a trench which was inconvenient for other traffic. The action was brought to test their right to do this, and the Supreme Court of Quebec found that the company was bound to keep its tracks clear from ice and snow, but were not bound to remove from the streets or convey elsewhere the snow so removed, and that they were entitled without the consent of the city to use an electric sweeper for the purpose of so cleaning their tracks; and with this decision the Judicial Committee of the Privy Council (Lords Macnaghten, Davey, Robertson and Lindley, and Sir A. Wilson) agreed. It was argued that the railway's action amounted to a nuisance and the case was within the principle of *Ogaton v. Aberdeen* (1897) A.C. 111, where the spreading of a briny mixture on the streets by the defendants, was held to be illegal and a nuisance, but their lordships held that that case did not apply because here the defendants were authorized by the municipality to do the act complained of.

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In *Graves v. Gorrie* (1903) A.C. 496, the Judicial Committee of the Privy Council (Lords Macnaghten, Shand, Robertson and Lindley, and Sir A. Wilson) have affirmed the judgment of the Court of Appeal for Ontario, 3 O.L.R. 697, holding that the provisions of the Imperial Fine Arts Copyright Act, 1862 (25 & 26 Vict., c. 68), do not extend to Canada, on the ground that there is nothing in the Act to indicate an intention on the part of the Legislature to extend the limits within which copyright might be enjoyed thereunder to any part of the British Dominions outside the United Kingdom. *Tuck v. Priestler*, 16 Q.B.D. 629, was approved.