

quired by law and with due regard to public safety. If it only has a right of servitude it could only make such use of it as its title would permit and it would thereby be prevented from making in or upon the servient land any changes which would aggravate the obligations of the owner of the servient land.

"Liability for any possible accidents to the public must also be considered. The land upon which a right of way is registered is very narrow and might possibly be dangerous when two vehicles would meet upon it if it is intended to make it a public street. In such event, would the corporation respondent be responsible for any accidents? Would it be jointly responsible with the proprietor? Reference to these questions is sufficient to show the inconvenience which would arise if the respondent's petition was granted. There is a great difference between a right of way and a public street. It is clear that the corporation, which already has a street running to the proposed wharf, wished to obtain further means of communication at as little expense as possible. I do not think that under its charter it is empowered to expropriate a right of way.

"I also think it would be useless to discuss the other points upon which much evidence was heard, tending as they do to establish the greater inconvenience for the owner of the servient land and proportionate advantage for the respondent. In any event, most of the evidence referred to was illegal and of no interest.

"The case resolves itself into the question whether the respondent really had the right to demand the expropriation proceedings in question, and, according to the sections cited of its charter, it was not authorized to do so.