

N.S.]

DICKIE v. CAMPBELL.

[Dec. 4, 1903.

Rivers and streams—Floating logs—Damage to riparian owners.

The Nova Scotia statute R.S.N.S. (1900) c. 95, s. 17, gives to persons engaged in the transmission of saw logs and timber down rivers and streams the reasonable use of and access to the same for their business and relieves them for liability from any but actual damage thereby, unless caused by their own wilful act.

Held, affirming the judgment appealed from (36 N.S. Rep. 40) that such persons are liable for all actual damage caused in transmitting logs, even without negligence, and the owner of the logs is not relieved from liability though they were transmitted by other persons under contract with him.

On motion for a new trial one of the grounds was misdirection in the charge to the jury. The trial judge reported to the full court that he did not make the direction on which this objection to his charge was based and gave a correct report of what he said.

Held, that this was not an objectionable course for the judge to pursue and in any case it was a matter for the court appealed from whose ruling was not subject to review. Appeal dismissed with costs.

Harris, K.C., for appellant. *W. B. A. Ritchie*, K.C., for respondents.

Yukon Terr.]

CREESE v. FLEISCHMAN.

[Dec. 9, 1903.

Appeal—Discretion—Amendment—Formal judgment.

The Supreme Court would not interfere with the exercise of discretion by a provincial court in refusing to amend its formal judgment. Such amendment is not necessary in a mining case where the mining regulations operate to give the judgment the same effect as it would have if amended. Appeal dismissed without costs.

J. Travers Lewis, for appellants. *Russell*, K.C., and *Haydon*, for respondents.

EXCHEQUER COURT OF CANADA.

Burbidge, J.]

[Nov. 23, 1903.

IN RE GRAND TRUNK R.W. CO.; THE CITY OF KINGSTON; THE COUNTY OF FRONTENAC; AND THE KINGSTON AND STORRINGTON ROAD CO.

Railway Committee of Privy Council—Construction of subway—Country road and city street—Cost of construction—Ultra vires—Merits of order.

The Municipal Corporation of a city was one of the movers in an application to the Railway Committee of the Privy Council for an order authorizing the construction of a sub-way under a railway, by which one of