

**The**  
**Ontario Weekly Notes**

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APPELLATE DIVISION.

SECOND DIVISIONAL COURT.

DECEMBER 18TH, 1918.

\*CITY OF TORONTO v. TORONTO R.W. CO.

*Street Railway—Agreement with City Corporation—Construction—55 Vict. ch. 99, sec. 25 (O.)—Claim of City Corporation to Recover Moneys Expended in Removing Snow and Ice from Railed Streets of City—Liability of Street Railway Company—Jurisdiction of Court—Exclusive Jurisdiction of Ontario Railway and Municipal Board—Ontario Railway and Municipal Board Act, R.S.O. 1914 ch. 186, sec. 22—Damages—Reference.*

Appeal by the defendants from the judgment of LENNOX, J., 42 O.L.R. 603, 14 O.W.N. 117.

The appeal was heard by MULOCK, C.J.Ex., CLUTE, RIDDELL, SUTHERLAND, and KELLY, JJ.

D. L. McCarthy, K.C., for the appellants.

C. M. Colquhoun and Irving S. Fairty, for the plaintiffs, respondents.

CLUTE, J., read a judgment in which he said that the plaintiffs' claim was for the cost of removal of snow from the streets of the city in January and February, 1915.

After referring to the agreement of the 1st September, 1891, between the plaintiffs and one Kiely and others, set out in the schedule to the Act incorporating the defendants, 55 Vict. ch. 99 (O.), and especially clauses 21 and 22 of the agreement, and to sec. 25 of the Act, the learned Judge said that he agreed with the trial Judge that this Court had jurisdiction.

Section 22 of the Ontario Railway and Municipal Board Act, R.S.O. 1914 ch. 186, provides that "the Board shall have exclusive jurisdiction in all cases and in respect of all matters in which juris-

\* This case and all others so marked to be reported in the Ontario Law Reports.