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 REPORTS AND NOTES OF CASES.
 

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 Dominion of Canada.
 

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 SUPREME COURT.
 

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Ex. C.]

[May 8.

THE KING v. JONES.

*Expropriation of land—Compensation—Transcontinental railway commission—Jurisdiction—Railway Act—Exchequer Court Act., sec. 2 (d)—3 Edw. VII. c. 71.*

The Transcontinental Railway Act, 3 Edw. VII. c. 71 does not expressly empower the commissioners to deal with compensation for land taken for the railway, and sec. 15 giving them "the rights, powers, remedies and immunities conferred upon a company under the Railway Act" does not confer such power.

The Transcontinental Railway is a public work within the meaning of s. 2, sub-s. (d) of the Exchequer Court Act and proceedings respecting compensation for land taken for the railway may be taken by or against the Crown in the Exchequer Court.

Judgment of the Exchequer Court (13 Ex. C.R. 171) reversed and appeal allowed without costs.

*E. L. Newcombe, K.C., for appellant.*

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Ont.]

SMITH v. GOWGANDA MINES.

[June 1.

*Joint stock company—Allotment of shares—Surrender by Allotee—Unpaid calls—Transfer—Waiver.*

S. subscribed for shares in a mining company, was notified of allotment of the same and paid the amount due on a first call as agreed. Later he notified the company that he withdrew his subscription, and, refusing to pay further calls, was sued therefor. It turned out that when S. subscribed for the stock all the shares had been allotted by the company and that given to him had been obtained by surrender from one of the original allottees.

*Held, 1.* Under the Ontario Companies Act when stock has been allotted by a company the only case in which the directors can regain control of it is that of forfeiture for non-payment of calls. As in this case there was no forfeiture, the company