

In the Privy Council.

18, 1931 J.R.

No. 87 of 1930.

---

ON APPEAL FROM THE SUPREME COURT OF CANADA.

BETWEEN

THE CANADIAN PACIFIC RAILWAY COMPANY (*Defendant*) *Appellant*

AND

HIS MAJESTY THE KING on the information of  
the Attorney-General of Canada - - - (*Plaintiff*) *Respondent*.

---

APPELLANT'S CASE.

RESPONDENT'S CASE.

RECORD OF PROCEEDINGS.

---

BLAKE & REDDEN,  
17, Victoria Street,  
London, S.W.1,  
*for the Appellant.*

CHARLES RUSSELL & CO.,  
37, Norfolk Street,  
Strand,  
London, W.C.2,  
*for the Respondent.*

①

②

③

Dec 4. 1930

Lord Deved  
Blaneboyle  
Atkin  
Thank  
Russell.

app  
Tidy  
ghann  
COT Con

Rap  
W2  
K J C Row

12.50 WNTidy

1.30 - 2.10

5 Dec

10.45 WNTidy

12.15 Deed was just age  
Tidy

Deeds of devanishi 14  
8 Beave

Plummi v may  
q Hz. Ggg  
(Wobbow) at p 712

8 Dec.

10.35 W.N. Tidy

John v Thiba  
at p 442.

1407 2 KRS 445  
1909 2 ch 440.

Russell v H R 7. ~~44~~ 550.  
Stanely v  
Lut sell  
p 567.

Cordell qe v Cote u.c. 1928 ch 174.

11.14. J Lawrence

(1807) Mitch v Brookhall  
at p 310 Lord Eldon

8. Exr 308

Plimmer v Mayor of . 9. Ac. 699.

at p 710.  
p 714.

Fr. v. Spence Pfu.

# Para 611. p 289

Wally . 7. Exr. App <sup>at</sup> 559 . 564.

Said in Birkhead <sup>1859</sup> Explan Rep 500

Pagehead v C.

at Popden 1915 A E. 599  
at p. 618 (bottom)

→ license revocable as what ten is + revocable?

11.10. Ham N.W. March.

→ International Ad 1867. a public work  
1868. ch 68. Qual R. Act 5.22 app 5 J.C.  
22 deals with telegraph  
(1.30 - 2.7 lunch)

46.47 1 Post Rys Act 1866.  
introduced in ~~1866~~ 1868 - Sec 22.

Memorandum Act at great length specified  
an interest in land

Sec 15 - App<sup>or</sup> to agreements which must be in writing

word & deed both <sup>?</sup> know.

Deed of purchase - still in use.

1894 2 Chy.

1892 - 1909 Pollock & Maitland  
1909 Pollock & Maitland & Ld Chanc

1. June 1917. Pollock & Maitland & Ld Chanc  
App<sup>or</sup> Act 1888 + Hays <sup>app<sup>or</sup> for</sup> p 437

App<sup>or</sup> for 1888. Act 1888 or was the 1888  
helps - 1889. ~~Act~~ was improved  
Act brought & dropped.

1888-2. - Act dropped

Act about 10 miles - it was from 1888

Act 1908 - 17 transferred whole line to the way

Political considerations did not outweigh legal

aspects p 278 foot

CPA v WLU. 17 S. Cr. #

to p 294.

B. 57. Act

4

9 December 1930

12 noon. Hon N. W. Russell. continued

Correspondence

Rebuilding - Oct 3  
Audette J. @ h. 489

Trespass

Lord Thorne  
quietus agreement simply  
negotiation

1.10 of Mr Trespass - revocable licence

34  
app h of "Public Works" RSC. 1906, C.39  
Strandus Golf Club case [ ] 6 A.C. 833 Selborne  
851 Latham

2 pm.

App Harbour case

8 A.C. 623  
"Lord Blackburn 634  
" Latham 639

Equitable right

Trotter v Bellamy 9 A.C. 700 @ 710, 712, 713, 714  
ay. Nigeria v. Holt 1915 A.C. 599. @ 602, ~~611~~ 617, 619.  
Glenwood v Phillips 1904 A.C. 105  
Lombard v. Greenwich 9 Q.B.

3. pm N W Russell - submissions  
1.  
2.

3.5 Branch Line

negotiation began 1887 Correspondence p. 244 - 246, 248  
253, 254

5



9. XII, 1950

3.15 W.U. agreement

3.45. agreement

Thursday 11<sup>th</sup> Dec

11.20 Hm NW Powell contd - Branch line

Consolidation 330.332.333

W.U. agreement Ps 14-19

Patridge 1-100

No equity raised by giving of permission  
by Patridge

1906 Act 55 Sec 100

1927 Act 113 Secs 31-36

By Act ~~1888~~ 1888 Act 29 Sec 90 m  
~~1870~~

Chetty, Prorogation of the Crown 379-381

Prohibition and Procedure agt Crown 1577

Ant Money v. Seybold  
(31 O.R. 386 p. 392) 1903 ac. h. 73

Keene v. Black 29 SCR 693

Munkin v. King 11 OLR 595 @ 599

Agreement W.U. - Jura Tele & 290

11. XII. 1930

Mr J. C. Raud  
12.50 pm.

Innocability 13 M.W. 838  
Wood v Leadbetter [1897] 2 Ch. 445  
Rex v. \_\_\_\_\_ 4 B.S. 362  
Jones v Alameda 1909  
\_\_\_\_\_ } Benglam 682  
Sec 56 Rsl. 1906 C. 36  
By Act 1868 - Sec 6 of Factory Act

Wilence

Postinger } 2 km.  
                  } slips by Lord Russell that it was  
                  } about that good manager did not know  
                  } of construction of line.

Declaration of rights

L.D. did not end to him  
Mr Tilly on Trespass

2.45 W.N. Tilley: Permanent right

Himman case 9 A.C. 916

gives formula to Court

Harnell case 11 H.L. "summary rights"

X P. 423. Cable systems.

Rsl. 1906 Ch. 36 Sec 55, 56  
1906 Ch 35 Sec 6.

Parus - O in C. not necessary  
By Act 1888 C. 29 Sec 90 m

11-DEC 1930

45

Can.