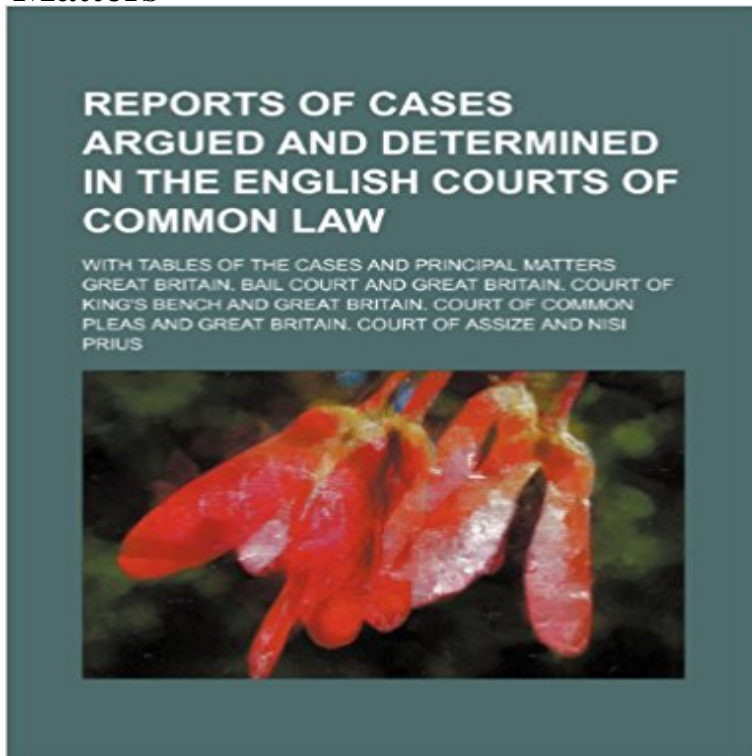


Reports of Cases Argued and Determined in the English Courts of Common Law (Volume 42); With Tables of the Cases and Principal Matters



This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1872. Excerpt: ... provide for the distinct and separate enumeration of all the subjects mentioned in sect. 7. Further, under sect. 160, the land can pass to the company only by payment of the money by the company. The verdict shows no such payment. Sect. 160 speaks of payment into the Bank as hereinbefore directed. That refers to sect. 153, which authorizes the company to order a payment. By sect. 218, no order can be made by the company except in writing. All that appears here is an unauthorized payment by certain directors. Lord Abinger, C. B. The companys banker pays from the funds of the company, by order of the directors, under the direction of the agents of the companys solicitor. Lastly, the company have deviated from the prescribed line by carrying the railway through Allen street. The amount of the deviation cannot affect the question of principle: but it is obvious that a very slight deviation may amount to a very serious infringement of the restriction imposed by the legislature, inasmuch as it may cause the line, when continued, to pass over a part of the plaintiffs property which otherwise would not have been taken. 10091 Cresswell contra. It may be observed, generally, that the facts J which, according to the argument for the plaintiffin error, are necessary to raise jurisdiction, do exist: so that the objections to the inquisition and warrant are narrowed to the point whether, at this step, the proceedings are null because such facts are not affirmatively shown on the face of the inquisition and warrant. Several circumstances, which are suggested as requisite to the jurisdiction, are not so. Thus, no notice to treat is necessary: for the jurisdiction may arise without any treating

at all, or any offer. It is sufficient that there should be any case in...

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