

Q. B. Div.]

NOTES OF CANADIAN CASES.

[Com. Pleas.]

Held (RITCHIE, C. J. and FOURNIER, J. dissenting), that there was no binding acceptance of the offer of sale, and therefore no completed contract of sale between the parties.

Appeal allowed with costs.

Lash, Q.C., for appellant.

McCarthy, Q.C., for respondent.

QUEEN'S BENCH DIVISION.

Osler, J.]

WALKER V. MURRAY.

Charity—Devise to—Mortmain Acts.

Incorporation will not be attributed to Sisters of Charity to invalidate a devise as within the Mortmain Acts.

Rose, J.]

REGINA V. CARTER.

A Justice of the Peace cannot try misdemeanours in a summary way, unless so authorized by statute.

H. J. Scott, Q.C., for motion.

N. Murphy, contra.

Rose, J.]

LAPLANTE V. PETERBOROUGH.

By-law—Closing of street.

A by-law for closing up part of a street which was applicant's only means of access to land deeded to him by defendants, and which did not provide other mode of access, was held invalid on this ground: also because a month's notice had not been given of the intended by-law; because the mode of arbitration provided was by the mayor and one person, each named by the railway company—which was not the statutory mode; and because, instead of the award being directed to be made within a month from the appointment of the third arbitrator, it was to be made within a month from the passage of the by-law.

Aylesworth, for motion.

Watson, contra.

COMMON PLEAS DIVISION.

Full Court.]

REGINA V. CORPORATION OF THE COUNTY OF PERTH.

Ways—Road between two townships—Purchase by county—Omission of seal and signatures from by-law—Power to divest—Liability to repair.

The road in question herein ran between two townships in the defendant's county, and was originally constructed by an incorporated joint stock company. In 1866 the defendants purchased the road at a sheriff's sale under an execution against the company and received a deed from the sheriff. A by-law was passed authorizing the purchase, but through inadvertence it was not signed or sealed, but the purchase was recognized in subsequent by-laws; and the defendants took possession and exercised exclusive jurisdiction over the road, and dealt with it as their own property until the 8th June, 1881, when they passed a by-law divesting themselves of the road.

Held, that the county had no original jurisdiction over the road under the Municipal Act; and though they might acquire the road by purchase from the company under by-law legally passed for such purpose, and assuming that the defendants by their conduct were estopped from denying the validity of the by-law passed authorizing the purchase, or that the seal and signature could now be directed to be affixed, both of which assumptions were open to doubt, still the defendants had, as they had the right to do, divested themselves of the road, and were therefore not liable thereafter to keep the road in repair.

Idington, Q.C., for the Crown.

R. Smith, Q.C., contra.

Rose, J.]

RE CROMIE AND CORPORATION OF BRANTFORD.

Tavern and shops—By-law fixing number of licenses—Whether should state number of inhabitants—Statement that by-law to remain in force until repealed—Duty in excess of \$200—Ultra vires.

It is not necessary that a by-law passed by a city respecting tavern and shop licenses