

REPORTS AND NOTES OF CASES.

Dominion of Canada.

SUPREME COURT.

Ontario.] LAKE ERIE & DETROIT RIVER R.W. CO. *v.* MARSH. [Oct. 22.

Appeal—Special leave.

Special leave to appeal from a judgment of the Court of Appeal for Ontario, 60 & 61 Vict. c. 34, s. 1 (E.), may be granted in cases involving matters of public interest, important questions of law, construction of Imperial or Dominion statutes, a conflict between Dominion and Provincial authority, or questions of law applicable to the whole Dominion. If a case is of great public interest, and raises important questions of law, leave will not be granted if the judgment complained of is plainly right. Leave refused.

Riddell, K.C., for appellants. Faulds, contra.

Province of Ontario.

HIGH COURT OF JUSTICE.

MacMahon, J.] JOHN INGLIS CO. *v.* CITY OF TORONTO. [Oct. 22.

Municipal corporation—By-law closing street—Motion to quash—Consent of Dominion Government—Amending by-law.

The Municipal Act, 3 Ed. VII., c. 19, s. 628, provides that without the consent of the Government of the Dominion of Canada, no municipal council shall pass a by-law for the stopping up or altering the direction or alignment of any street made or laid out by the Dominion of Canada, and a by-law for any of the purposes aforesaid shall be void unless it recites such consent. On Sept. 26th, 1904, the Municipal Council of Toronto passed by-law 4420, stopping up and closing a certain portion of Strachan Avenue in that city. It was afterwards discovered that Strachan Avenue was a street which had been laid out by the Dominion of Canada, being part of the Ordnance Survey, and the consent of the Dominion Government was sought and given by Order-in-Council of Oct. 6th, 1904. On