

street would exclude the applicant from ingress and egress to and from his lands, and the corporation had no power to close it without compensation and without providing some other convenient road or way of access, which they had not done. (5) That no sufficient written or printed notices of the intended by-law had been, before the passing, posted up for one month in six of the most public places in the immediate neighbourhood of the street, or published weekly for four successive weeks, as required by the statute in that behalf.

The by-law recited that public notice had been duly given of the intention of the council to pass the by-law; that it had been made to appear to the council that it was the intention of the Waterous Company to erect additional shops upon lots 11 and 12 in the Hulbert Flats, on the north side of Jex street and fronting on Market street, and that the present shops of the company extended to the south side of Jex street fronting Market street; that Jex street was only 33 feet wide and would be difficult and expensive to maintain in a fit state for traffic, and would be rendered inconvenient and unsafe for public travel by the erection of shops on both sides, and by the traffic which would have to be conducted across the street between the shops; that the Waterous Company had offered to accept a conveyance from the city corporation of the portion of Jex street which was to be closed, and to pay therefor a sum sufficient to reimburse the corporation for all expenditure incurred in diverting Jex street, so that it should run on the northerly side of the shops to be erected, and in placing the new street in the same condition as the present street, thereby involving no expenditure on the part of the city corporation; and that it was expedient to accept the offer of the company and to divert Jex street as described.

The by-law then enacted that that portion of Jex street commencing at the easterly limit of Market street and running easterly 230 feet be closed up as a public highway, and that parts of lots 11 and 12 in Hulbert Flats, particularly described in the by-law by metes and bounds and running east from Market street 264 feet by 33 feet in width, and then south to the north side of Jex street, 79 feet, 6 inches, to Jex street, by a width of 33 feet, was opened up as a public highway to be added to Jex street in lieu of the portion closed.

G. F. Shepley, K.C., and W. S. Brewster, K.C., for applicant.

W. T. Henderson, Brantford, for city corporation.