

SUPREME COURT OF JUDICATURE FOR ONTARIO.

HIGH COURT OF JUSTICE.

Queen's Bench Division.

STREET, J.]

[April 18.

IN RE HODGINS AND THE CITY OF TORONTO.

Municipal corporation—Construction of sidewalk—"Desirable in the public interest"—Consolidated Municipal Act, 1892, s. 623 (b).

Held, that to consider and determine whether a sidewalk is desirable in the public interest within the meaning of s. 623 (b) of the Consolidated Municipal Act, 1892, is a judicial act, and before a municipal corporation reach a conclusion upon the point the persons to be affected should have notice and be permitted to show, if they can, that the proposed sidewalk is not desirable in the public interest; and where such notice had not been given, except by advertisement in the newspaper, which had not come to the attention of the applicant, who had been called upon to pay the assessment for such sidewalk, the by-law for the construction of it was quashed, so far as it purported to affect the property of the applicant.

The applicant in person.

Caswell for the city of Toronto.

Chancery Division.

ARMOUR, C.J.]

[Jan. 8.

MCPHERSON v. IRVINE.

Jurisdiction of High Court of Justice to revoke letters of administration granted by Surrogate Court.

No jurisdiction exists in or has ever been conferred upon the High Court of Justice to revoke the grant, by a Surrogate Court, of letters of administration.

Irving, Q.C., and Dyce Saunders for the plaintiff.

S. H. Blake, Q.C., and DuVernet for the defendant.

Div'l Court.]

[March 1.

REGINA v. GILES.

Betting—Keeping place therefor—Criminal Code, s. 197.

The defendant was in possession of and occupied a tent in a village, open to and frequented by the public to the number of fifty to one hundred per day, in which there was a telegraph wire to an incorporated race-track in the United States, where horse-racing and betting was legalized, and in which there was a