

provisions of one of its by-laws, which was granted by the Superior Court, whose judgment was reversed by the Court of Review, and the petition for mandamus dismissed. B. then instituted an appeal from the latter judgment to the Supreme Court of Canada; and on motion to quash such appeal,

Held, that the case was not within the provisions of 54-55 Vict., c. 25, s. 4, allowing appeals from the Court of Review in certain cases; and the appeal not coming from the Court of Queen's Bench, the court of highest resort in the Province, there was no jurisdiction to entertain it. *Dangon v Marquis*, 3 S.C.R. 251, and *McDonald v. Abbott*, 3 S.C.R. 278, followed.

Appeal quashed without costs.

Ethier, Q.C., for the motion.

Weir, *contra*.

ONTARIO.

SUPREME COURT OF JUDICATURE.

HIGH COURT OF JUSTICE.

Queen's Bench Division.

ROSE, J., in Chambers.]

THE QUEEN *v.* COURSEY.

[Aug. 31]

Public health—Conviction under by-law in schedule—Right to appeal to Quarter Sessions—Prohibition—R.S.O., c. 205.

Held, that where there is a conviction for an offence under the by-law set out in the schedule to R.S.O., c. 205, as distinguished from any of the provisions in the Act itself, an appeal will lie from such conviction to the Quarter Sessions notwithstanding section 112, which has no application.

Shepley, Q.C., for the applicants.

Aylesworth, Q.C., for the defendants.

Master in Chambers.]

[Oct. 2.]

YOUNG *v.* ERIE & HURON RAILWAY CO.

Particulars—Demand—Compliance—Restriction.

Where a party complies with a demand for particulars of his claim, he will not be restricted at the trial to the particulars given by him, without any order for the purpose.

Masten for the plaintiff.

W. H. Blake for the defendants.