

REPORTS AND NOTES OF CASES.

Dominion of Canada.

SUPREME COURT.

Que.] THE KING v. ADAMS. [March 11.
Sine facias—Crown Lands—Grant made in error—Adverse claim—Cancellation.

The provisions of the Quebec Statute respecting the sale and management of public lands (32 Vict., c. 11, R.S.Q. Art. 1299) do not authorize the cancellation of letters patent by the Commissioner of Crown Lands where adverse claims to the lands exist. Appeal allowed with costs.

Fitzpatrick, K.C., and *L. A. Cannon*, for appellant. *J. A. Lane*, for respondent.

Que.] FAIRMAN v. MONTREAL. [March 22.
Municipal corporation—Montreal city charter—Local improvements—Expropriation for widening street—Action for indemnity.

Where the City of Montreal, under the provisions of 52 Vict., c. 79, s. 213, took possession of land, for street widening, in October, 1895, under agreement with the owner, the fact that the price to be paid remained subject to being fixed by commissioners to be appointed under the statute was not inconsistent with the validity of the cession of the land so affected, and notwithstanding the subsequent amendment of the statute in December of that year, by 59 Vict., c. 49, s. 17, the city was bound, within a reasonable time, to apply to the court for the appointment of commissioners to fix the amount of the indemnity to be paid, and having failed to do so, the owner had a right of action to recover indemnity for his land so taken. *Hogan v. The City of Montreal*, 31 S.C.R. 1, distinguished.

The assessment of damages by taking the average of estimates of the witnesses examined is wrong in principle. *Grand Trunk Railway Co. v. Coupal*, 28 S.C.R. 531, followed. Appeal allowed with costs.

Fitzpatrick, K.C., and *Archer*, for appellants. *Attwater*, K.C., and *Archambault*, K.C., for respondent.

Exch.] LAROSE v. THE KING. [March 22.
Negligence—Militia class firing—Government rifle range—Officers and servants of the Crown—Injury to the person—R.S.C. c. 41, ss. 10, 69.

A rifle range under the control of the Department of Militia and Defence is not a "public work" within the meaning of the Exchequer Court Act, 50 & 51 Vict., c. 16, s. 16.