

reputed to be illegitimate, and had been left by his mother on the parish, and that he had also known his reputed father, whose name was H., not S. Another witness said that S. had told him that one H. was his father, and that S., on his return from a visit to England, said that he had seen the place where his mother met with her misfortune.

*Held*, sufficient evidence of illegitimacy to displace the claim of heirship.

*Scott* for the plaintiff.

*Garrow*, Q.C., for the defendant.

*Holt* for the alleged heirs and heiresses.

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BOYD, C.]

[Dec. 30, 1893.

MCNAMEE v. CITY OF TORONTO.

*Work and labour—Contract—Superintendent of work named as arbitrator in case of dispute—Validity.*

By a contract between plaintiff and the city of Toronto for laying a conduit pipe across the Toronto bay, it was provided that all the differences, etc., should be referred to the award, order, arbitrament, and final determination of H., the superintendent in charge of the said work.

*Held*, that the fact of H. being such superintendent did disqualify him from acting as arbitrator.

*Bain*, Q.C., for the plaintiff.

*Biggar*, Q.C., for the defendants.

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Div'l Court.]

[Dec. 30, 1893.

REGINA v. JUSTIN.

*Bicycle—Riding on sidewalk—Conviction—S. 496, s.s. 27, of Municipal Act.*

Subsection 27 of s. 496 of the Consolidated Municipal Act, 1892, enables a municipal council to pass by-laws for regulating or preventing the incumbering by animals, vehicles, vessels, or other means, of any road, street, alley, lane, bridge, or other communication.

*Held*, that a bicycle is a vehicle within the meaning of the subsection, and of a by-law of the municipality passed under it so as to support a conviction for riding a bicycle on the sidewalk.

*Regina v. Plummer*, 30 U.C.R. 41, approved.

*Justin* for the applicant.

No one showed cause.

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Div'l Court.]

[Dec. 30, 1893.

DAGENAIS v. CORPORATION OF TRENTON.

*Ditches and Watercourses Act, R.S.O., c. 220, s. 5, as amended by 52 Vict., c. 49, s. 2(O.)—Default of officer under—Mandamus against municipal corporation—Right of.*

An owner of lands in the town of Trenton, desiring to construct a drain on his land and continue it through an adjoining owner's, served him with the