A report of the executive council was approved of by the Governor-General on 11th September, 1856, for carrying into effect the statutes 18 Vict. ch. 91 and 19 Vict. ch. 45, relating to the transfer of the Ordnance lands to the Provincial Government, and directing that the Ordnance lands in Toronto be laid out into town lots, which were to be offered for sale. And on 28th November, 1856, an order in council was passed instructing the preparation of plans for laying out the military reserve to Mr. Dennis, civil engineer, who afterwards made a survey laying out Strachan avenue 80 feet in width from Queen street, running south to the edge of the Bay.

The Municipal Act, 3 Edw. VII. ch. 19, sec. 628, provides : "Without the consent of the Government of the Dominion of Canada no municipal council shall pass a by-law (1) for stopping up or altering the direction or alignment of any street . . . made or laid out by His Majesty's Ordnance or the principal Secretary of State in whom the Ordnance estates became vested under the statute . . . or by the Dominion of Canada . . . and a by-law for any of the purposes aforesaid shall be void unless it recites such consent."

Strachan avenue was not a street laid out by His Majesty's Ordnance or the principal Secretary of State in whom the Ordnance lands became vested; but it is a street laid out "by the Dominion of Canada," and therefore the consent of the Dominion Government was required in order to the validity of any by-law stopping up or altering its direction or alignment.

When by-law 4420 was passed on 26th September the powers of the council were spent; and, as it was a void by-law by reason of the consent of the Dominion Government not having been obtained, that void by-law, in the passing of which the council had exhausted its powers, could not be given life and rendered valid by the subsequent consent of the Dominion Government and the passing of the amending by-law.

By-law 4420 must be declared invalid and void with costs.