

length, our enquiries have led us to the conclusion that the sentence upon this boy, (who by the way is under the age of fourteen, see Criminal Code, sec. 10), could not be bettered. His competency to "appreciate what is wrong" was largely dependent upon his home training, and to the want of this training may largely be ascribed the event which has brought such misery to all concerned. As to the sentence itself, anyone who carefully considers the various places of confinement and terms of imprisonment open to the learned judge in disposing of this case would probably arrive at the same conclusion that he did; and we are free to confess that we have no better suggestion to make. The judge had a very perplexing question to solve.]—Ed. C. L. J.

REPORTS AND NOTES OF CASES.

Dominion of Canada.

SUPREME COURT.

Ont.]

LEAK *v.* CITY OF TORONTO.

[April 20.

Public work—Land required—Land injuriously affected—Damages—Interest.

The City of Toronto, in 1891, passed a by-law for the construction of new iron and steel bridges across railway tracks on Dundas Street West. Having acquired by expropriation the land necessary for the purpose, the County Court Judge was appointed arbitrator to assess the value thereof and also the compensation to be given to the owners of other lands affected. L., one of the latter, was awarded \$8,000 and interest from the date of passing the by-law. On appeal by the city to a judge of the High Court in Chambers from the arbitrator's award, it was sent back for the arbitrator to state whether L.'s land was taken or only injuriously affected, with an intimation that if it was the latter no interest could be given. The award was then altered by striking out the amount for interest, and as altered was set aside by the Divisional Court (29 O.R., 685) but restored by the Court of Appeal. On appeal to the Supreme Court,

Held, affirming the judgment of the Court of Appeal, 26 A.R., 351, 35 C.L.J., 495, that interest in such case was not given by any statute, and the whole course of common law was opposed to it. The award, as altered, was therefore valid. Appeal dismissed with costs.

Du Vernet, for appellant. *Fullerton*, Q.C., and *Chisholm*, for respondent.