

WAYS.

1. *By-law to establish roads—Boundaries—Omitting to state—Invalidity—Statute labour—Performance, evidence of.*—A by-law to establish a road must on its face show the boundaries of the road or refer to some document wherein they are defined; and the intention of the framers of the by-law cannot be ascertained by extrinsic evidence.

Held, therefore, that a by-law, to establish a road on a blind line between two concessions in the plaintiff's township was by reason of such omission invalid.

Held, also, that there was not sufficient evidence given of statute labour having been performed on the road, so as by reason thereof to make it a highway.

Corporation of Town of St. Vincent v. Greenfield, 297.

2. *Conviction—Highway—Unlawfully and maliciously removing gate from—32-33 Vict. ch. 22, ss. 29, 60 (D).*—"Fair and reasonable" supposition of right—*Jurisdiction of Justice.*—S. owned lot 38 in 8th concession of N. In 1886 he sold the west-half of the lot to complainant, reserving a strip of thirty feet along the north line thereof as a road for himself and successors in title to and from the east half of the lot. S. put up a gate at the west limit of the land where it met the highway, which gate had been there from 1866 until removed by the defendants. Defendants were successors in title to S. and removed the gate in question as an obstruction, and were convicted for unlawfully and maliciously breaking and destroying the gate at the west end of the said road, as the property of the complainant: *Held*, that defendants were acting in

good faith in claiming the right to remove the gate, and under fair and reasonable supposition of right, and the conviction was quashed.

Held, also, that the question of a fair and reasonable supposition of right to do the act complained of was a fact to be determined by the justice, and his decision upon a matter of fact would not be reviewed, but that this rule did not apply where, as here all the facts shewed that the matter or charge itself was one in which such reasonable supposition existed; that is, where the case and the evidence were all one way and in favor of the defendant.

Regina v. Malcolm, 2 O. R. 511, distinguished.

Quare, whether a gate across a right of way is an obstruction in law.

Held, also, that proviso in 32-33 Vic. ch. 22, sec. 60, is to be read as applicable to sec. 29 and to the whole Act. *Regina v. McDonald*, 381.

Municipal corporations—Original allowance for road—Duty to open—Mandamus.—See MUNICIPAL CORPORATIONS, 2.

WILL.

1. *Devise—Legacy—Maintenance to widow and family—Abatement of legacies.*—A testator gave to his executors and trustees, of whom his wife was one, all his real and personal estate, with a direction to convert his personal estate into money, pay debts, and invest the balance. He directed them to pay his wife from time to time such money as might be sufficient to support, maintain, and educate his family, and to maintain his wife in a manner suited to their condition in life,