

[Oct. 31.]

THE CANADIAN COAL AND COLONIZATION
COMPANY v. THE QUEEN.*Sale of Dominion lands—Reservation of mines
and minerals—The Dominion Lands Act (43
Vict., c. 26)—Rights of purchaser.*

Where the Crown, having authority to sell, agrees to sell and convey public lands, and the contract is not controlled by any law affecting such lands, and there is no stipulation to the contrary, express or implied, the purchaser is entitled to a grant conveying such mines and minerals as pass without express words.

Gormully, Q.C., and Abbott, Q.C., for plaintiffs.

Hogg, Q.C., for Crown.

SUPREME COURT OF JUDICATURE
FOR ONTARIO.

COURT OF APPEAL.

[Nov. 8.]

IN RE GILLESPIE ET AL. AND THE CITY OF
TORONTO.*Municipal corporation—Local improvements—
By-law.*

A by-law imposing assessments for local improvements initiated by the city was quashed where the work done and the times of payment therefor were different from those set out in the notice of intention to do the work.

Judgment of GALT, C.J., upholding the by-law under legislation which the city on appeal waived the benefit of, reversed.

Aylesworth, Q.C., for the appellants.

H. M. Mowat for the respondents.

IN RE POUNDER AND VILLAGE OF
WINCHESTER.*Municipal corporations—By-law—Voters.*

A local option by-law, carried by a vote of 71 to 15, was quashed where it appeared that the returning officer had announced that he would not accept the votes of tenant voters, 74 of whom were on the list, though it was not shown that more than a very small number of these

voters had made any attempt to vote, or had expressed any intention of voting.

Judgment of GALT, C.J., reversed, MACLENNAN, J.A., dissenting.

E. E. A. DuVernet for appellant.

Langton, Q.C., for respondent.

REGINA v. EDWARDS.

REGINA v. LYNCH.

*Constitutional law—Evidence—Justice of the
Peace—52 Vict., c. 15, s. 5.*

A case can be stated by a justice of the peace under 52 Vict., c. 15, s. 5, for the judgment of the Court of Appeal only when the constitutional validity of the statute under which he acquires jurisdiction is called in question, and not when the constitutional validity of some other statute, such as a statute regulating procedure or evidence, is collaterally attacked.

E. E. A. DuVernet for the defendants.

J. R. Cartwright, Q.C., for the Crown.

WATT v. CITY OF LONDON.

*Assessments and taxes—Place of business—
Branch—Court of Revision—Bar.*

A firm carrying on business at Brantford were held not assessable at London in respect of a large quantity of sugar stored by them in a warehouse there, orders for sugar being sent to the firm at Brantford by their traveller in London and the invoices being made out at and forwarded from Brantford, though the sugar was shipped from London and repayment of taxes paid under protest, after ineffectual appeals to the Court of Revision and the County Court judge were ordered.

Judgment of ARMOUR, C.J., reversed.

Gibbons, Q.C., for the appellants.

W. R. Meredith, Q.C., for the respondents.

DANCY v. GRAND TRUNK R. W. CO. ET AL.

*Railways—Ticket—Contract—Condition—Dam-
ages—"Via direct line."*

A condition in a railway ticket as to travelling "via direct line" was rejected as meaningless, each of three possible routes being circuitous, though one was shorter in point of mileage than the others.