

council setting forth that they had secured options on a number of lots of land on the east side of Strachan avenue, having a frontage thereon of 400 feet, and applying to be allowed to place a building . . . on the said 400 feet, in connection with their works, 14 feet west of the easterly street line of Strachan avenue. The company represented that the building proposed . . . would enable them to increase the output of their Toronto factory by one-fifth, which would mean the employment of 250 additional workmen.

The John Inglis Co. carry on business as manufacturers of engines and boilers to the south of the tracks of the Grand Trunk and other railways, and 630 feet south of the building proposed to be erected by the Massey-Harris Co., and they on 11th July wrote the city council protesting against the application of the Massey-Harris Co. being granted.

The city council, on 26th September, passed by-law 4420, which recites the application of the Massey-Harris Co., and that they are the owners of the land on each side of the avenue, and that the committee of the works department had recommended that the concession asked for by the company be granted; and then enacts "that . . . all that part of Strachan avenue bounded on the east by the present easterly limit of Strachan avenue, on the north by the present southerly limit of King street, on the west by a line drawn parallel to the easterly limit of Strachan avenue and distant 14 feet westerly therefrom, and on the south by the northerly limit of Wellington avenue," shall be stopped up and closed, and that the same be conveyed by the said corporation to the Massey-Harris Co.

After the passing of the by-law it was discovered that to render it valid the consent of the Dominion Government was required, and such consent was given by an order in council dated 6th October, 1904, and on 10th October the city council passed by-law 4428 amending by-law 4420 by inserting as a third recital the following: "And whereas the Government of the Dominion of Canada has consented to the passing of this by-law so far as it authorizes the lessening of the width of Strachan avenue by a distance of 14 feet on the easterly side thereof."

Before the by-law was amended, and on 1st October, this motion was launched. . . .

By the Municipal Act, 1903, 3 Edw. VII. ch. 19, sec. 591, authority is given to the councils of counties, townships,