

ARMOUR v. TOWNSHIP OF ONONDAGA

(1907), 42 S.C.R. 218

Supreme Court of Canada, Fitzpatrick C.J., Davies, Idington, MacLennan and Duff JJ., 29 May 1907

(Motion to appeal from judgment of Ontario High court, reported sub nom. In Re Armour and The Township of Onondaga, supra, p. 1)

Appeal per saltum--Jurisdiction.

MOTION for leave to appeal *per saltum* from the judgment of Riddell J., in the King's Bench Division of the High Court of Justice for Ontario (1) 14 Ont. L.R. 606, refusing to quash a by-law of the municipality.

The objection to the by-law was that it assumed to affect an Indian Reservation over which neither the corporation nor the Legislature of Ontario had any municipal authority. The appellant had, through no fault of his own, as he contended, been too late to appeal to a Divisional Court and leave for an extension of time was refused. Counsel supporting the motion admitted that he had no right to appeal to the Court of Appeal for Ontario.

The motion was refused by the Supreme Court of Canada, *Ottawa Electric Co. v. Brennan* (2) 31 Can. S.C.R. 311 being followed.

Motion refused with costs.

Mackenzie for the motion.

Brewster contra.