

that if a certain sum has been provided under that section for the purpose of building a schoolhouse, they cannot be allowed to enter into any contract or undertake any work involving the expenditure of any greater sum, and therefore the plaintiff, a freeholder, a ratepayer, and elector of the town of Fort William, and a supporter of the public schools therein, suing on behalf of himself and all other ratepayers, was entitled to an injunction to restrain the Public School Board of that town, certain individuals, members of the board, and the contractors for the building of a schoolhouse, from proceeding with the erection thereof in a case where the contract price exceeded the amount provided under s. 116, and to an order compelling the repayment to the school corporation of certain sums paid by individual members of the School Board to the contractors for a certain portion of the work already performed.

B. B. Oster, Q.C., and F. H. Keefer for the plaintiff.
Aylesworth, Q.C., and Gorham for the defendants.

BOVD, C.]

[Dec. 29, 1893.]

DYER v. TRENTON.

Assessment and taxes—Municipal corporations—Consolidated Assessment Act, 1892, s. 52.

Held, that the intention of the "special provisions" in reference to assessment in cities, towns, and incorporated villages contained in s. 52 of the Consolidated Assessment Act, 1892, is not that the rate of such assessment made under that provision may be levied for the current year. The function of the assessment under that section is defined only with reference to future years, and what is said is that this assessment so taken at the end of the year may be adopted by the council of the following year as the assessment on which the rate of taxation for said following year may be levied.

O'Rourke for the plaintiff.

Marsh, Q.C., and O'Leary for the defendants.

Common Pleas Division.

MACMAHON, J.]

[Sept. 4, 1893.]

ORGAN v. CORPORATION OF TORONTO.

Municipal corporations—Ice on sidewalk—Liability of owner, but not of tenant, of adjacent building.

In an action against the city of Toronto for an accident caused by plaintiff slipping on a patch of ice on the sidewalk, caused by water—brought from the roof of an adjacent building—being allowed to flow over the sidewalk and freeze, the owner of the building and the tenant in possession thereof were, at the instance of the city, made party defendants.