prove this fact is given by the opponents of the by-law, it is just as much their duty not to pass the by-law as if its insufficiency had been proved after the most careful investigation at the instance of persons opposed to it, and they have no right to impose upon the opponents of the by-law as a term for refusing to pass it, any conditions as to payment of expenses theretofore incurred.

THE CORPORATION OF THE CITY OF BRANTFORD VS. THE ONTARIO INVESTMENT COMPANY.

The defendants carried on their business at London, and were assessed there. They purchased the mortgages and other assets as the Brant Loan and Savings Company, a similar institution doing business in Brantford. The latter company then ceased to do business, and the defendants let the mortgages and assets, which had been transferred to them, with an agent in Brantford for collection, but they had no branch office, and did not carry on the business there. The plaintiff assessed them for personal property in Brantford, from which the defendants did not appeal, to the court of revision, and the plaintiff brought an action to recover the amount of the assessment.

It was held that the defendants were assessable in London for the property which the plaintiffs had undertaken to tax, and that, having no branch office in Brantford, and as they were not carrying on business there, the plaintiff's assessment therein was illegal and void. That there being no jurisdiction to assess them in Brantford, the defendants were not bound to appeal to the court of revision and might question the assessment in the action.

STEELE VS. YORK.

The macadamized toll road known as Yonge street, forming a provincial public work, was in 1855 by act of the legislature and order in council vested in and acquired by the county of York. One of the conditions of the sale was that the road should be kept in thorough repair by the county. The roadway intended for and used by persons travelling on the same was a macadamized road of the width of thirty feet, and was not in any way out of repair, and was at the place where an accident occurred exactly as it was when transferred by the government to the county. The plaintiff when turning out of a side road in order to reach a hotel which stood near the side of yonge street drove along part of the original allowance for road on which the toll road was constructed, but which had never been opened for travel by the defendants, and was used merely as an approach to the hotel. In doing so, the plaintiff missed the way leading to the hotel, ran against some obstruction, and was, with his buggy, thrown down a cutting, or embankment, into the toll road and was injured.

It was held that there was no evidence of negligence and that the defendants were not liable. The plaintiff had not been invited to use the travelled way to the hotel as part of the toll road, and the accident had not happened on any part of the toll road, or in consequence of that road being out of repair.

TALTON VS. C. P. R. CO.

Judgment on appeal by the plaintiff from the judgment of Street, J., the trial judge, dismissing the action, which was brought by a land-owner for damages for injury to his land, owing to the diversion of a water-course by the line of railway constructed by the Toronto, Grey, and Bruce railway company, and now worked by the defendants, and for a mandamus to compel the defendants to reopen the original channel of the water-course. The lot in question, being the west half of lot 3 in the 9th concession of the township of Amaranth, was owned by the late Chas. Robertson, of Toronto, until the spring of 1876, when he conveyed it to the plaintiff. Street .J , held that the Toronto, Grey, and Bruce railway company had made to Mr. Robertson full compensation for the injury for which this action was brought, and the plaintiff was therefore not entitled to recover, being in the position of one who had contracted to buy damaged land. The court held that the plaintiff was entitled to recover legal damages in respect of the diversion, assessed at a nominal sum. As the defendants have now the power to divert a stream or water-course by R. S. O., ch. 29. sec. 99 (b.) the court holds that it should not, after the time that has elasped since this diversion was made, direct a mandatory injunction to issue compelling the restoration of the stream so diverted, when the plaintiff can be compensated in damages for the injury caused to him by such diversion. Reference directed to the master at Orangeville to ascertain the compensation that ought to be made to the plaintiff by the defendants for this diversion, or, if the defendants prefer it, proceedings stayed for two months in order to enable them to proceed by arbitration. The defendants to pay the costs of this action and of the reference, if any, but if it goes to arbitration, the costs thereof will be as directed by the Railway Act.

JACKSON VS. MURPHY.

At the last sitting of the division court held at Smith's Falls, a case came before the judge which is of considerable public interest. Mr. Harry Jackson, a C. P. R. engineer, brought suit against John Murphy, jr., for the value of a dog which Murphy had killed, and which belonged to Jackson. The evidence went to show that while out with Mr. Jackson's little son and another boy the dog gave chase to some sheep in the defendant's field. The boys called it off, but a second time it returned to the pursuit of the sheep, when it was seen by Murphy. He jumped on a horse and started after it, when the dog left the sheep and got out of the field on to the railway track, where the boys were, before Murphy could come up. He succeeded in getting hold of it and there and then cut its throat so that it died. That was the evidence, and Mr. Jackson swore that the dog was worth sixty dollars. The judge reserved his decision, but yesterday he rendered his verdict. He finds in short that a dog may be killed by the owner of the sheep which it may be chasing or worrying only while it is in hot pursuit of the same, and not after it ceases to pursue them, even though, as in this case, it was frightened from the chase by the owner of the sheep who continued to follow it without stopping until he had caught and killed it. Judgment in the action was given against Mr. Murphy in $25 for the dog and $6.70 costs.—*Rideau Record.*

Tramps.

Among the social problems of the day, and growing into prominence, is the question of dealing with the vagrant population, comprised mostly of able-bodied men and commonly called "tramps," who go about the country living upon the industry of others. At present, they can only be dealt with by legal authority, and as this means expense to tax-payers and a lot of time and trouble to magistrates who are in no wise remunerated therefore, it strikes us the legislature should give the province municipal legislation, empowering councils to pass by-laws to compel tramps to do a certain amount of work upon the public highways, or in breaking stone for repairs, and thus make them pay tribute to the public that clothes and feeds them. We have no doubt an ordinance of this character would materially lessen the lazy vagrancy extant, and check the tramp nuisance. It is no sin or crime to be poor, but it is both in the case of those able to walk, who go about listlessly from place to place, and live upon the public.

Oxford county court house, situated in the town of Woodstock, is about completed. It is a magnificent building. The furnishings will be of the most modern description and will cost about $8,000. The Review says: The furnishings of the court room will be on an elaborate scale. The amphitheatre for the convenience of the public, will contain about 250 opera chairs, with all modern attachments, while from fifty to sixty similar chairs will be placed in the council chambers. Inside the rail, however, the councillors will each be supplied with a desk and tilting chair. In the vaults are to be placed a section of metallic fittings, roller shelving and document files, the balance to be wooden fittings.