

stood open to the public and to all of the defendants' officials. The chief clerk was not at his desk when the package was placed there and said he never saw it and there was nothing to shew what became of it afterwards. The defendants' Winnipeg office had never before, apparently, received a registered dead letter.

Defendants claimed that they received the package, supposing it to have come in the ordinary course of their business; that they never knew, till after its loss, that it was of any special value; that they never assumed or were under any special obligation as to it; that they in fact took such care of it as was reasonable considering their ignorance of its value; and that, without negligence on their part, it was lost or was stolen by some one not in defendants' employ.

Held, that even if it could be assumed that the package had been lost or had been stolen by a stranger, the defendants were guilty of such negligence as to the package as to make them liable for its loss.

Though the defendants received the package without intending to become parties of it, they were under as great an obligation to take care of it as a finder of lost goods is under after he has voluntarily taken them up; and, according to Storey on Bailments, s. 85, such finder is bound to take the same reasonable care of them as any voluntary bailee by agreement. See also s. 83 (a) as to the liability of a riparian owner in respect of property cast upon his land by a river.

Hoskin, for plaintiff. *Robson*, for defendants.

Province of British Columbia.

SUPREME COURT.

Irving, J.] MACLEAN v. CITY OF FERNIE. [March 14.
Municipal law—By-law—Majority of three-fifths—Persons entitled to quash.

Certain persons not qualified, and others not authorized, having voted on a city by-law granting electric light and water franchises.

Held, 1. The by-law was defective and must be quashed.

2. Under s. 88 of the Municipal Clauses Act, as enacted by s. 24 of c. 52, 1902, only the applicant and the corporation have a status before the Court on proceedings to quash.

J. A. Macdonald, K.C., for the motion. *A. B. McPhillips*, K.C., contra.