

Div'l Court.]

[Dec. 21, 1894.]

THE CORPORATION OF LONDON WEST v. BARTRAM.

*Municipal corporation—Removal of clerk—Resolutions therefor—Sufficiency of.*

The removal of a clerk of a municipal corporation may be by a resolution, it not being essential that a by-law should be passed for such purpose.

*Vernon v. Corporation of Smith's Falls*, 21 O.R., followed.

*E. R. Cameron* for the plaintiff.

The defendant in person.

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McDERMOTT v. TRACKSEL.

*Assessment of taxes—Leaving tax bill with ratepayer—Demand of payment—Sufficiency of.*

The mere delivery to a ratepayer of the statement of taxes due is not sufficient evidence of the demand required to be made for the payment of such taxes, unless a by-law has been passed stating such delivery sufficient for the purpose.

*Maybee* for the plaintiff.

*Idington, Q.C.*, for the defendant.

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[Dec. 21, 1894.]

BACHLER v. ANDREWS.

*Malicious prosecution—Production of original record of acquittal—Sufficiency of.*

Where, in an action for malicious prosecution in proof of the determination in plaintiff's favour of the criminal proceedings in respect of which the action is brought, a record of acquittal, unobjectionable in form, is produced at the trial by the officer of the court in whose custody it is, though without a fiat of the Attorney-General, it is properly receivable in evidence.

*Aylesworth, Q.C.*, for the plaintiff.

*Garrow, Q.C.*, for the defendant.

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HEWITT v. CANE.

*Malicious prosecution—Record of acquittal—Necessity for production of—Admissions on examination for discovery.*

In an action for malicious prosecution, the indictment, with an endorsement thereon of the acquittal of the plaintiff of the criminal charge of which he had been prosecuted, was produced by the Clerk of the Court, having been sent to him by the Registrar of the Queen's Bench Division, to whom the indictment had been returned, and which he had been subpoenaed by the plaintiff to produce, the court being informed that the Attorney-General had refused his fiat to enable a record of acquittal to be made up. The defendant's counsel objected to the admission of the indictment, and its admission was refused.

*Held*, that the indictment so endorsed and produced was not, under the circumstances, sufficient evidence of the termination of the prosecution, but