exemption as belonging to a Roman Catholic Separate School, and in 1868 recovered against J. in replevin for his goods which J. had seized. J. in 1866 sued the trustees of that year for indemnity, and recovered judgment, the action being defended. The trustees issued their warrant to levy a rate, including this judgment, and about $100 was levied and paid over to J., but many of the rate-payers refused to pay the proportion imposed for J's. claim. J. then, in 1869, having a *fi. fa.* on his judgment returned no goods, applied for a mandamus to the trustees to levy the balance due to him, none of these trustees having been trustees in 1866.

The application was refused, on the ground that the Court might enquire into the grounds of the judgment, and that the applicant was bound, but had failed, to shew clearly that it was recovered in a justifiable litigation.

Quære, however, whether apart from this the application could be granted, for the effect would be to levy a rate on a different body to pay the debt of a previous year.—*In re Johnson and the Trustees of School Section No.* 13 *in the Township of Harwich*, 30 U. C. Q. B. 264.

CRIMINAL LAW—INDICTMENT AGAINST RETURNING OFFICER AT ELECTION.—In an indictment against a deputy returning officer at an election, for refusing, on the requisition of the agent of one of the candidates, to administer the oath to certain parties tendering themselves as voters, the omission of the *name* of the agent from the indictment will vitiate it.

In the same indictment another count charged defendant with entering and recording in the poll books the names of several parties as having voted, although they had refused to take the oath prescribed by law:

Held, not an indictable offence, being a creature of the statute, which also prescribed the penalty and the mode of enforcing it.

Remarks upon the otherwise objectionable character of the indictment, in setting out in the inducement a copy of the poll book containing a number of names, while none were mentioned in the indictment itself, a reference being merely made to the "said list."—*Regina* v. *Bennett*, 21 U. C. C. P. 235.

INSOLVENCY—OFFICIAL ASSIGNEE—RIGHT OF ASSIGNEE TO GOODS SEIZED UNDER *fi. fa.*—The County Judge of a County in which no Board of Trade existed, appointed an official assignee for the County within three months after the Insolvent Act of 1869 came into force: *Held*, that such appointment was valid under section 31 of the Act, although a Board of Trade existed in an adjoining County, but had not appointed an assignee.

Quære, can a Board of Trade appoint an official assignee under section 31, *after* the lapse of three months from the time when the Act came into force?

When an assignment is made under the Insolvent Act of 1869, it is the duty of a sheriff, who has seized goods under a *fi. fa.* against the insolvent, to surrender the goods to the assignee, leaving the execution plaintiff to assert his privilege for costs, if any he has, in the proceedings in insolvency.

In pleading to a declaration, charging a sheriff with neglecting to make the money under a *fi. fa.*, an allegation that the execution debtor made an assignment under the Insolvent Act of 1869 to an official assignee for the County, appointed under the Act by the County Judge, and that the sheriff had surrendered the goods to the assignee, is sufficient without alleging that no Board of Trade existed in the County, or in an adjacent County, or that no assignee had been appointed by a Board of Trade; and it would be sufficient to aver that the assignment had been made to an official assignee for the County, without shewing how the assignee was appointed. —*Blakely* v. *Hall*, 21 U. C. C. P. 138

PRINCIPAL AND SURETY—LAPSE OF TIME—DESTROYED BOND—MUNICIPAL CORPORATION—SURETY FOR TREASURER.—One of the sureties for the treasurer of a municipal corporation being desirous of being relieved from his suretyship, the treasurer offered to the council a new surety in his place; and the council thereupon passed a resolution approving of the new surety, and declaring that on the completion of the necessary bonds, the withdrawing surety should be relieved; no further act took place on the part of the council, but the treasurer and his new surety (omitting the second surety) joined in a bond conditioned for the due performance of the treasurer's duties for the future, and the treasurer executed a mortgage to the same effect. The clerk on receiving these gave up to the treasurer the old bond, and the treasurer destroyed it; eight years afterwards, a false charge was discovered in the accounts of the treasurer of a date prior to these transactions:

Held, that the sureties on the first bond were responsible for it.

A surety to a municipal corporation for the due performance of the treasurer's duties is not relieved from his responsibility by the negligence of the auditors in passing the treasurer's accounts.

The fact of the treasurer having become re