

tended that the garnishee proceedings were irregular and should be set aside, as the affidavit on which the garnishee summons was issued did not state that the garnishee was within the jurisdiction of the Court, as required by sec. 368 of the "Judicature Ordinance": *French v. Martin*, 3 W.L.T.

*Held*, that the affidavit was sufficient, as it stated the garnishee to be "of the town of Moose Jaw," which is within the jurisdiction of the Court.

*Gordon*, for plaintiff.

*Robson*, for defendant and garnishee.

RICHARDSON, J., }  
In Chambers. }

[March 24.

RE SKINNER.

*Lost will—Proof of contents—Administration with will annexed—Judicature Ordinance, ss. 462, 463.*

Deceased died at Belleville, Ont., in 1887, having made a will bequeathing all his property to his wife, but appointing no executor. Part of the property consisted of realty in above judicial district. The will was lost after death of testator.

Upon application on behalf of the wife for administration with will annexed, such application being supported by an affidavit of the testator's son proving the nature and contents of the will; that it was last in deponent's possession; that it had been executed in accordance with the law of Ontario, and that it was now lost.

*Held*, that under sec. 463 of the Judicature Ordinance, and on the authority of *Sugden v. Lord St. Leonard*, 1 P. Div., 154. administration of the contents of the lost will might issue.

*R. Rimmer*, for applicant.

A statute prohibiting employers from insisting that employees shall withdraw from or refrain from joining any trade union or labor union as a condition of employment, is held in *State v. Julow*, 29 L.R.A. 257, to be unconstitutional.

The validity of a statute authorizing school authorities to require vaccination of pupils as a condition of their attending school is sustained in *Bissel v. Davison*, 65 Conn. 183, 29 L.R.A. 251, as essentially a police regulation which violates no constitutional rights.

The right of municipal authorities of a city to destroy the private property of a citizen for the public good, without compensating him, unless the property is itself a nuisance endangering the public health or safety, is denied in *Savannah v. Mulligan* (Ga.) 29 L.R.A. 303; but it was held that bedding which had been used by a person who had scarlet fever was in fact a nuisance endangering the public health, the destruction of which was lawful and entitled the owner to no compensation.