benefited by the proposed work. The insertion of the words "in any described area" in section 3 of the new act, and the requiring of a description of the area in the petition obviates the difficulty pointed out. On the presentation of the petition the council may procure an engineer or Ontario land surveyor to examine the area to be drained, to prepare a report and to make an assessment of the lands and roads within the said area to be benefited. The said report is, by section 15 of the said act, to be filed by engineer or surveyor with the clerk of the municipality by which he is employed. It may be incidentally remarked that the council may on receipt of the requisite petition refuse to proceed further, and if the work asked for is impracticable or too costly this would seem to be the proper course to pursue. On the filing of the report by the engineer, the clerk of the municipality is required by section 16 to notify all parties assessed within the area described in the petition, by mailing to the owner of every parcel of land assessed therein for the drainage work, a notice upon which shall be stated the date of filing the report, the name or other general designation of the drainage work, its estimated cost, the owner's lands and their assessment, distinguishing benefit, outlet liability, and injury liability, and the date of the council meeting at which the report will be read and considered, which shall be not less than ten days after the mailing of the last notice, and the determination of the council as to the sufficiency of the notice sent shall be final and conclusive. This is a new and wise provision of the act, as it insures to every person interested ample opportunity to examine and make himself thoroughly familiar with the contents of the report, etc., prior to the meeting of the council at which it is to be considered. Section 17 provides that at the meeting mentioned in the notice the municipal council shall, immediately after dealing with the minutes of the previous meeting, cause the engineer's report to be read by the clerk to all the ratepayers in attendance, and an opportunity shall be given any person who has signed the petition to withdraw from it by putting his withdrawal in writing, signing the same and filing it with the clerk. The opportunity shall also be given to those present, who have not done so, to sign the petition. This last cited section also provides that, in case any of the roads of the municipality shall be assessed, the council may by resolution, authorize the head or acting head of the municipality to sign the petition for the municipality, and such signature shall count as one person benefited in favor of the petition.

To be continued.

Tibble—"How did you manage to get Manger to vote for our side? Did you convince him that on the great political issues of the day his party is wrong and ours right?" Dibble—"Well, it amounted to that. I just praised his dog."—*Boston Transcript.*

Legal Decisions.

HELLEMS V. CORPORATION OF ST. CATHARINES.

It is enacted by section 27 of the Municipal Act, 55 Vic., chap. 42 (Ont.), that officers appointed by the council shall hold office until removed by the council. In this case it was held that the effect of this was that all such officers held their offices during the pleasure of the council and might be removed at any time without notice or cause shown therefor, and without the council incurring any liability thereby. Where, therefore, a city commissioner was appointed by a resolution of the council and shortly afterwards another resolution was passed rescinding the former one, the appointment was held to be rescinded, without the council having incurred any liability.

IN RE CUMMINGS AND THE COUNTY OF CARLETON.

This was an application for an order of prohibition to arbitrators appointed to investigate a claim for damages against both a city and county municipality, who had jointly undertaken the building of a bridge over a river forming the boundary between the county and the city. The application was made by a landowner who alleged that his land in the county had been injuriously affected, and who sought damages therefor from both municipalities. It was held that an order of prohibition is an extreme measure, to be granted summarily only in a very plain case of excessive jurisdiction on the part of a subordinate tribunal, and that having regard to section 483 of the Consolidated Municipal Act, that the claimant had no remedy except by arbitration under the Act. It was also held that the case was covered by section 391 of the said Act. The expression "a municipal corporation" by force of the Interpretation Act being capable of being read as a plural and also that it was competent for the county judge to appoint the same arbitrator for both corporations upon their making default in naming an arbitrator, and that he could proceed to do so *ex parte*. It was further held that section 487 did not apply to the case of a joint claim against city and county. The application for prohibition to the arbitrators was therefore referred.

SCHMIDT VS. TOWN OF BERLIN.

Judgment in action tried with a jury at Berlin. Action by husband and wife for damages for personal injuries received by the wife in a building owned by the defendants in a public park, on the 24th of May last, while attending a celebration there, held by certain musical societies. The jury found that the societies had obtained leave from the defendants to have the exclusive use of the park and building upon that day, and that the building was opened to the public, at the request of the committee, by the defendants' caretaker; that the accident was due to their negligence in not keeping the building in proper repair, and they gave $200 damages to each of the plaintiffs. Held, that the defendants, having no notice or knowledge that the building was in a dangerous condition, were not liable. Judgment for the defendants with costs.

HARWICH VS. RALEIGH.

Another stage in the long continued litigation between Harwich and Raleigh over the assessment proposed to be levied on lands in the former township, for benefit to be derived by the enlargement of the Raleigh Plains outlet drain, was passed recently, when the appeal entered by Harwich against the judgment of Mr. Britton, the referee, was dismissed by the Ontario Court of Appeal. The court was equally divided—Chief Justice Hagarty and Mr. Justice Burton favoring the dismissal of the appeal, while Justices Osler and McLennan took the opposite view. The judgment of Referee Britton therefore stands.

The assessment appealed against is the third attempt made by Raleigh to provide an improved outlet for the drains leading into Jeanette's creek. The estimates were prepared by W. E. McGeorge, P. L. S., in September, 1892. He found the work would cost $56,190, of which he charged $2,525 to lands in Harwich, $1,122 to lands in Tilbury East, and $52,543 to lands and roads in Raleigh. Harwich appealed against the assessment, and after a prolonged hearing before Mr. Britton, he dismissed the appeal, confirming Mr. McGeorge's assessment. Harwich carried the case to the court of appeal, and the result is the recent judgment.

Whether it will end here or go to the Supreme Court is not determined. If the case stands, the Raleigh council will proceed with the work, which has been too long delayed, and involved the township in numberless law suits for damages and heavy costs.

MOORE VS. BOWEN.

This action was brought to test the validity of a sale for taxes of a farm—lot 23, in the 13th concession of Storrington township. The sale took place in 1893. The point involved in the case was whether the description in the advertisement of sale and in the tax-deed was sufficient. The land was described as part of lot 23, in the 13th concession of Storrington township, 150 acres, without stating which 150 acres it was. Authorities were produced to show that a deed of this kind was invalid on account of indefiniteness of description.

Evidence was given showing the defects complained of, and the court at once gave judgment declaring the sale invalid, and setting aside the deed, but without costs, as the plaintiff had been careless as regards payment of the taxes and the sale proceedings.