

LATCHFORD, J.

. DECEMBER 13TH, 1918.

## HATTON v. COUNTY OF PETERBOROUGH.

*Municipal Corporations—Duty of County Corporation to Provide Offices and Furniture and Supplies for County Crown Attorney and Clerk of Peace—Municipal Act, R.S.O. 1914 ch. 192, sec. 377—Reimbursement of Moneys Expended—Mandamus to Corporation to Provide Offices—Remedy as to Furniture and Supplies.*

Action by the County Crown Attorney and Clerk of the Peace for the County of Peterborough to recover \$1,200 for office accommodation and other necessary things which he provided at his own expense and for a mandamus to the defendant county corporation to provide the same for him in the future.

The action was tried without a jury at Peterborough.

Daniel O'Connell, for the plaintiff.

E. D. Armour, K.C., and F. D. Kerr, for the defendants.

LATCHFORD, J., in a written judgment, said that the plaintiff had held the offices of County Crown Attorney and Clerk of the Peace for the County of Peterborough since October, 1914, and was an officer connected with the Provincial Courts of Justice within the meaning of sec. 377 of the Municipal Act, which imperatively casts upon the defendants the obligation of providing such an officer with "proper accommodation, fuel, light, stationery, and furniture."

The plaintiff alleged that the defendants had failed in the performance of their statutory duty towards him, and that he had in consequence been put to expense, for which he claimed to be reimbursed. He also asked for a mandatory order directing the defendants to provide him with proper offices, fuel, light, stationery, and furniture.

The defendants said that they had fulfilled their statutory obligations, and that, if there was any failure on their part to provide the proper offices etc., the plaintiff made use of such accommodation as the defendants provided and accepted the same as suitable and sufficient, and by his acquiescence was estopped from maintaining this action.

The learned Judge found that the defendants had not at any time provided the plaintiff, as an officer connected with the Provincial Courts of Justice, with proper offices.

The plaintiff was entitled to be reimbursed for the expenses he