

exceeding \$400 to be investigated, and that the judge under the circumstances had power to allow the plaintiff to abandon the excess of 2 per cent. in the rate of interest which he had claimed.

Jordan v. Marr, 4 U.C.Q.B. 53; *Vogt v. Boyle*, 8 P.R. 249; *Higginbotham v. Moore*, 21 U.C.Q.B. 326, followed.

Andrews for the plaintiff.

Clark for the defendant.

Full Court.]

[Jan. 15.

RE MUNICIPALITY OF MACDONALD.

Municipal law—Ultra vires—Resolutions of council—Special meetings—Adjournment to meet again at call of reeve.

This was an appeal from the order of the Chief Justice quashing a by-law and two resolutions passed by the council of the municipality at meetings held under the following circumstances :

At the close of the first meeting of the council for the year they adjourned to meet again at the call of the reeve. Subsequent meetings were held throughout the year upon notices issued by the reeve, whenever it was necessary to call a meeting, but these notices did not contain any mention of the subjects or matters which were to be taken into consideration at the meetings, and the resolutions in question were passed at meetings so held.

It was contended by counsel for the municipality that these meetings should be considered as adjournments of the first regular meeting, and not special meetings within the meaning of section 288 of the Municipal Act, R.S.M., c. 100.

Held, (DUBUC, J., dissenting) that the meetings in question were not regular meetings, but were special meetings convened by the head of the council, as provided by section 284, and that as the notices calling the meetings contained no mention of the matters to be taken into consideration the learned Chief Justice was right in quashing the by-law and resolutions in question.

Patterson for the applicant.

Martin for the municipality.

Appointments to Office.

SHERIFFS.

County of Hastings.

George Frederick Hope, of the City of Belleville, in the County of Hastings, to be Sheriff of the County of Hastings, *pro tem.*, in the room of William Hope, deceased.

LOCAL MASTERS.

County of Lambton.

John Alexander MacKenzie, of the Town of Sarnia, in the County of Lambton, Esquire, Junior Judge of the said County of Lambton, to be a Local Master of the Supreme Court of Judicature for Ontario in and for the said County of Lambton.