

Province of Ontario.

HIGH COURT OF JUSTICE.

Boyd, C., Meredith, J.] HUNT v. PALMERSTON. [Dec. 5, 1902.

*Public libraries—Aid by municipality—Grant for site—Validity of by-law
—Assent of electors.*

A mechanics' institute having been converted into a public library and a board of management organized under Part II of R.S.O. 1897, c. 232, a grant of a sum of money for the purchase of a site was made by by-law of the corporation of the town in which the library was situate without the assent of the electors to either the appointment of the library board or to the grant.

Held, that the power to grant aid to free libraries was absolutely in the hands of the local municipality under the general provision of the Municipal Act, and that the by-law was valid notwithstanding section 18 of R.S.O. 1897, c. 232, which may have its full and legitimate scope by being applied to the raising of ways and means by means of the requisitionary powers entrusted to the particular free libraries under sections 14 and 17 of the Act.

J. Montgomery, for the plaintiff. *Drew*, for the town of Palmerston. *Tennant*, for the Library Board.

Boyd, C.] RE ROCHON v. WELLINGTON. [Dec. 10, 1902.

Prohibition—Garnishment of married man's wages—Exemption—Evidence of marriage—Repute.

In an action in a Division Court where the judge held that evidence of repute was not sufficient to prove that a primary debtor was a married man and so entitled to the \$25 exemption provided for by R.S.O. 1897, c. 60, ss. 180-181.

Held, that he did not decide upon a state of conflicting facts, but upon a theory that the best evidence must be given and that it was a wrong assumption in point of law and prohibition was granted. *Elston v. Rose*, (1868) L.R. 4 Q.B. 4, followed.

Middleton, for the motion. *Bayly*, contra.