

fence, and award a new or additional punishment for what was already a criminal offence. *McLellan v. McKinnon*, 1 O. R. 219.

Purchase of Land — Site for Dominion Building — Injunction — Estoppel — Parties.

—On a motion for injunction by W., a ratepayer, against a town corporation to restrain them from paying money to one McA. for a site for a post office, it was shown that a vote of the ratepayers had been taken as to which of two sites (one owned by the town and the other by McA.) should be chosen, that W. had taken an active part in support of the one owned by the corporation, and the majority of ratepayers had voted for the other. It was contended that W. was estopped by his conduct from maintaining the suit, and that McA. and the individual members of the corporation should have been made parties. W. having denied that he was aware that the site chosen was to be paid for by defendants and no sufficient proof of that fact having been given:—Held, that he was not estopped, and that, although McA. and the members of the council might not, if joined, have been considered improper parties, still they were not necessary parties; and the injunction was granted, the proposed purchase being ultra vires. *Wallace v. Town of Orangeville*, 5 O. R. 37.

By-law — Ultra Vires.—A municipal corporation has no power to pass a by-law for the purchase of land to be presented to the Dominion Government as a site for a postoffice and custom house. "For the use of the corporation" in R. S. O. 1887 c. 184, s. 479 (1), does not mean merely "for the benefit of." *Jones v. Town of Port Arthur*, 16 O. R. 474.

Railway Crossings — Maintenance of Cuts — Contribution to Cost of — Railway Committee of Privy Council.—See *Re Canadian Pacific R. W. Co. and County and Township of York*, 27 O. R. 559, 25 A. R. 65.

Relief of Injured Person — Duty of Municipality — Mandamus.—See *In re McDougall and Township of Lobo*, 21 U. C. R. 80.

Reward — Apprehension of Horse Thief.—36 *Vict. c. 48, s. 396 (O.)*—See *In re Robinson*, 7 P. R. 239.

— **Apprehension of Felon.**—Township municipalities have no power to expend any portion of their funds in payment of rewards for the apprehension of felons. Where, therefore, a township corporation offered and promised to pay a reward of \$500 for the arrest and conviction of the persons guilty of a murder, it was held that such promise was not binding upon them. *Cornwall v. Township of West Nisouris*, 25 C. P. 9.

Road Allowance — Boundaries.—A municipal corporation has no power to declare certain posts planted by a surveyor to be the true boundaries of an original road allowance which they direct to be opened. They may give a description of the bound-

daries, but ought not to declare such boundaries to be the true boundaries, that being then a matter in dispute. *Regina ex rel. McMullen v. Corporation of Caradoc*, 22 C. P. 356.

Trustees of Municipality — Action against — Individual Defendants — Statutory Designation.—Held, that the commissioners for the town of Peterborough, appointed by 24 *Vict. c. 61*, are not a corporation, and cannot be sued as such. Upon this objection to the declaration, the action was held not sustainable, the court being of opinion that they should be sued by name, adding their statutory designation. *Re Commissioners of Peterborough Town Trust and Cochrane*, 13 C. P. 111.

— **Compensation for Services.**—Trustees of a municipality are entitled, under the general provisions of the Act of 1874, 37 *Vict. c. 9 (O.)*, to a commission on moneys passing through their hands as compensation for their care and trouble in the management of the trust. The commissioners of the Cobourg town trust were, therefore, held so entitled. *In re Commissioners of Cobourg Town Trust*, 22 Gr. 377.

See NOTICE OF ACTION, I.—PARTIES, II. 11.—STREET RAILWAYS, II.—WAY, III., IV., VII.

MUNICIPAL ELECTIONS.

See MANDAMUS, II. 4 (c)—MUNICIPAL CORPORATIONS, XIX.

MUNICIPAL INSTITUTIONS.

See CONSTITUTIONAL LAW, II. 19—MUNICIPAL CORPORATIONS.

MUNICIPAL LOAN FUND.

See MUNICIPAL CORPORATIONS, XX.

MUNICIPAL MATTERS.

See ESTOPPEL, III. 4.

MURDER.

See CRIMINAL LAW, IX. 36.

MUTINY ACT.

See CONSTITUTIONAL LAW, I.

MUTUAL FIRE INSURANCE.

See INSURANCE, III. II.

END OF VOLUME II.