

A special Act, 57 Vict. c. 75 (O.), enacts that the defendants shall, in addition to the powers conferred by the Municipal Light and Heat Act, which is thereby incorporated, have power to manufacture and use and supply to others to be used, electricity for motive power and for any other purpose to which the same can be applied . . . and to acquire and hold lands, water powers and all other property . . . necessary therefor, and shall for and with respect to such powers and purposes have all and every the powers which are by the said Act conferred on municipal corporations with respect to light and heat. In reliance on this Act the defendants passed a by-law providing for the execution of an agreement with a power and manufacturing company for the acquisition from it of electrical power for the purpose of using and to supply it to others to be used by means of a certain property and plant which they had acquired from another company.

Held, that the by-law was ultra vires because the Special Act did not authorize the defendants to acquire, that is, to purchase the supply of electricity to be used and supplied to others to be used in the manner contemplated, but only themselves to enter upon the process of production and manufacture of electricity so produced and manufactured and to supply to others.

W. Nesbitt, K.C., and G. F. Henderson, for plaintiffs. Shepley, K.C., and McVeity, for defendants.

HIGH COURT OF JUSTICE.

Mabee, J.]

RE WEBB.

[April 5.

Lunatic—Petition for declaration of lunacy—Service out of the jurisdiction—Dispensing with personal service—Jurisdiction of Master in Chambers.

A petition for a declaration of lunacy may be served out of Ontario under 3 Edw. VII. c. 8, s. 13(O).

And where the supposed lunatic was confined in an asylum outside of Ontario, and an order was made by the Master in Chambers authorizing service there upon the supposed lunatic and the medical superintendent of the asylum, and the latter alone was served, because he was of opinion that service might dangerously excite the former, an order was made dispensing with personal service and confirming the service made.