

General for the production of the information and the record of acquittal, and the clerk of the peace refusing to produce them without, the Judge held that the plaintiff had not established his case. The Divisional Court were of opinion that there were disputed facts upon which it was the province of the jury to pass, and until the facts were found the Judge was not in a position to determine the question of want of reasonable and probable cause.

W. Nesbitt, K.C., and A. McKechnie, Brampton, for defendants, appellants.

G. H. Watson, K.C., and J. F. Hollis, Brampton, for plaintiff.

THE COURT (ARMOUR, C.J.O., OSLER, MACLENNAN, MOSS, J.J.A.) held that the undisputed facts disclosed in the evidence (examined and referred to at length by the Chief Justice and OSLER, J.A.) shewed reasonable and probable cause for preferring all the charges, and therefore there should be a nonsuit as to the whole case, and it was unnecessary to consider the other questions raised.

Appeal allowed with costs and judgment of FALCONBRIDGE, C.J., dismissing the action with costs, restored.

Justin & Hollis, Brampton, solicitors for plaintiff.

McKechnie & Heggie, Brampton, solicitors for defendants.

APRIL 12TH, 1902.

C. A.

RE TOWNSHIP OF NOTTAWASAGA AND COUNTY OF SIMCOE.

Assessment and Taxes—Equalization of Assessments—Appeal—County Judge—Limitation of Time within which Judgment to be Delivered—Imperative Enactment—R. S. O. 1897 ch. 224, sec. 88, sub-secs. 1, 7.

Appeal by the county corporation from order of a Divisional Court (FALCONBRIDGE, C.J., STREET, J., 22 C. L. T. Occ. N. 48), dismissing an appeal from an order of BOYD, C., in Chambers, refusing to prohibit the Judge of the County Court of Simcoe from proceeding with the hearing and determination of an appeal by the township corporation from the equalization by the county council of the assessment rolls for the year 1900 of the various municipalities within the county. The motion was made on the grounds that the township had not duly authorized the appeal, because a by-law was necessary for the purpose and one had