

7. This Act shall not be construed to apply to bills of exchange or promissory notes.

8. This Act shall take effect on, from and after the first day of April next, and shall not affect any suits or proceedings heretofore taken or pending.

MAGISTRATES, MUNICIPAL, INSOLVENCY & SCHOOL LAW.

NOTES OF NEW DECISIONS AND LEADING CASES.

ROAD—DEDICATION.

A road had for more than fifty years been used as the road between the townships of York and Vaughan, the original road allowance being to the north of it, and this road being in fact wholly within the township of York and part of lot 25. The owner of the lot had been indicted for closing up this road and convicted in 1870; and the corporation of York then passed a by-law to close it, reciting that there was no further necessity for it by reason of the road allowance.

Held, there being in the facts above stated sufficient evidence of dedication and acceptance of this road as a highway, that this was a road dividing different townships, over which the County Council only had jurisdiction; and that the by-law therefore was illegal.

Such a road need not consist of an original allowance, but may be acquired or added to by purchase or dedication.

Quære, whether any one can add to a public allowance for road by dedication, so as to compel the local authorities to repair it.—*In re McBride and The Corporation of the Township of York*, 31 U. C. R. 355.

ALTERATION OF SCHOOL SECTIONS.

While an application to quash a by-law, No. 25th, altering the boundaries of school sections 15 and 16, was pending, the corporation passed a by-law, No. 268, to remove doubts in regard to the former by-law and to confirm it but so worded as to leave it doubtful whether it was not in effect an independent by-law defining the limits of these sections. The first by-law was quashed, and an application was then made to quash this last by-law. It appeared, on shewing cause, that it had been repealed. The Court, under the circumstances, quashed the by-law, notwithstanding its repeal; for the repealing by-law being, in effect, a by-law making an alteration in school sections, it could not take effect until the 25th of December following, and it was stated that the trustees of section 15 intended to act under this by-law to be repealed.—*Patterson and the Corporation of the Township of Hope*, 31 U. C. R. 360.

INSOLVENCY—REMOVED ASSIGNEE.

J. was appointed official assignee of B under the Insolvent Acts of 1864–1865. After the Insolvent Act of 1869 came into force, the creditors removed him and appointed another assignee in his place. Before his removal, J. rendered an account of his receipts and disbursements, with which the creditors were dissatisfied, and presented a petition to the Judge to examine the account, to settle and adjust it, and to order J. to produce the books, papers, and vouchers of the estate, and to pay over all moneys which might be found to be in his hands. The Judge held that the assignee, having already rendered an account, must be taken to have "fully accounted" within the meaning of the Act of 1864; that he had no jurisdiction over the removed assignee under that Act; and that he could not proceed under the Act of 1869, as the relief sought was not a "matter of procedure merely," and he dismissed the petition:

Held, on appeal, 1, that the summary remedies given by the Act of 1869 are applicable to assignees appointed under the Acts of 1864–1865; 2, that the Judge had jurisdiction even under the Act of 1864 to examine into and decide upon the correctness of the items of an assignee's account, and to adjust such account; 3, that this jurisdiction exists over a removed assignee until he has "fully accounted" for his acts and conduct while he remained assignee; 4, that an assignee has not fully accounted within the meaning of the Act by rendering an account merely, but that the expression necessarily means accounting and paying over; 5, that the "duties" of an assignee are to conform himself to the law; and the performance of these duties may under either Act be summarily enforced by the Judge, and a removed assignee remains subject to this jurisdiction until he has fully accounted for his acts and conduct while he remained assignee.—*In re Botsford*, 22 U. C. C. P. 65.

BY-LAW TO CLOSE AND SELL ROAD ALLOWANCE.

A township corporation passed two by-laws, one, No. 145, providing that certain original allowances for roads described should be closed and sold by auction on a day named, due notice being first given; the other, No. 146, was to close up that portion of the original allowance for road between lots 32 and 33 in the fourth concession, lying north of the centre of the said lots (which forms the northerly boundary of Freeman's land, and south of the land owned by C. B. and T. K., the applicants,) and comprising that portion of the said road allowance dividing the seven acres of land belonging to the heirs of the late M. C., and now