

the police village of Crystal Beach. The defendants (the township corporation) set up that they were not liable for an accident of this kind within the limits of the police village.

H. S. White, for the plaintiff.

G. H. Pettit, for the defendants.

MIDDLETON, J.:—Neither counsel was able to refer me to any case in which this question has been discussed; and I have been unable to find any discussion of the exact nature of a police village and the effect of its incorporation upon the liability of the parent municipality.

Under the Municipal Act, R.S.O. 1897 ch. 223, sec. 714, "On the petition of any of the inhabitants of an unincorporated village, the council or councils of the county or counties within which the village is situate may by by-law erect the same into a police village, and assign thereto such limits as may seem expedient."

In supposed pursuance of this statute, on the 7th December, 1898, the County Council of the County of Welland passed a by-law enacting that the village of Crystal Beach and its neighbourhood—defined by metes and bounds—"be erected into an incorporated police village, apart from the township of Bertie, in which the same are situated, by the name of Crystal Beach."

The by-law then proceeds: "And the inhabitants of such village of Crystal Beach shall be and become a body corporate free from such township; and, as such, shall have perpetual succession, with such powers and privileges as are conferred on and held by incorporated police village within this Province; and the powers of such corporation shall be exercised by and through and in the name of the Corporation of the Village of Crystal Beach."

There was absolutely no power on the part of the county council to enact this latter clause. It is entirely *ultra vires* and void. The position of a police village must be found in the Municipal Act as it stood at that date; and plainly the "erection" of a limited territory into a police village falls far short of incorporation. . . .

[Reference to secs. 715 to 750 of the Act.]

I think it is abundantly plain that, under this statute, a police village does not become a separate incorporation, but that the scheme is really one by which a limited territory is set apart, and the trustees are empowered to raise indirectly, through the