

plicate individuals generally without naming the person or persons implicated, and without much greater particularity in specifying the nature of the misconduct to be investigated. Held, that, in holding an investigation under the statute, the Judge was acting in a judicial capacity and not as a mere investigator or commissioner. Semble, that if the county court Judge in the course of such investigations proceeded to the United States to take evidence, any oath administered by him in the United States would have no legal significance, and any false statement made by a person sworn before him under such circumstances would not have attached to it the consequences of perjury. *Re Godson and City of Toronto*, 16 O. R. 275.

On appeal to the court of appeal:—Held, that where the county court Judge is making an investigation pursuant to the resolution of a council under R. S. O. 1887 c. 184, s. 477, he is acting as person designata, and not in a judicial capacity, and is not subject to control by a writ of prohibition. That writ is not to be applied to any proceeding of any person or body of persons, whether they be popularly called a court or by any other name, on whom the law confers no power of pronouncing any judgment or order imposing any legal duty or obligation on any individual. *Re Squier*, 46 U. C. R. 474, considered. *S. C.*, 16 A. R. 452.

**Jurors' Expenses as between County and City—Proportions Payable by City and County—Assessed Value of City Property—Mode of Enforcing Payment.**—See *County of Middlesex v. City of London*, 22 U. C. R. 196.

18 Vict. c. 130 enacted that any county of which a city formed a part for judicial purposes, should be entitled to demand and receive from the city a portion of the expenses incurred by the county for the payment of jurors in any year, to be determined in the manner provided, and that such portion should be payable to the county immediately after the close of each year:—Held, on demurrer to the declaration, that an action would lie by the county against the city for its portion of such expenses; and, this being so, that the plaintiffs were entitled to recover a judgment, although as to some of the years the defendants might be unable to enforce payment, because a retrospective rate would be required, which might be a conclusive objection to an application for a mandamus to levy. *County of Frontenac v. City of Kingston*, 30 U. C. R. 584; *S. C.*, 20 C. P. 49.

Plaintiffs sued defendants under 18 Vict. c. 130, and C. S. U. C. c. 31, ss. 155, 157, for the proportion of jury expenses payable by defendants, from 1855 to 1869, inclusive. As to 1859, an account of the sum due was made up by the plaintiffs. There was no proof that it had been demanded, but defendants had levied the sum claimed for that year in 1860:—Held, recoverable. As to 1867 and 1868, defendants in 1868 levied the sum due for 1867, but applied it to other purposes. In 1869 they levied the sums due for 1867 and 1868, and paid it in September, 1869, but without interest, which the plaintiffs demanded:—Held, that such interest was recoverable. *S. C.*, 32 U. C. R. 348.

**Mortmain.**—Municipal corporations are within the Statutes of Mortmain. *Brown v. McNab*, 20 Gr. 179.

**Municipal Year.**—The municipal year, under 12 Vict. c. 81, begins on the 1st January, and ends on the 31st December, and is not to be reckoned from the day appointed for the municipal elections of one year to the same day of the next year. *Mellish v. Town of Brantford*, 2 C. P. 35.

**Promissory Note—Debt.**—A promissory note, made payable to the treasurer of and indorsed by him to a municipal corporation, to secure a balance due to the corporation on a past transaction, is not void under the Municipal Acts. *Corporation of Belleville v. Fahey*, 5 C. L. J. 73.

**Public Health—By-law — Validity — Board of Health—Delegation of Powers.**—The members of the council of any municipality are health officers of the municipality by virtue of the Public Health Act, R. S. O. 1877 c. 130, and as such they may enforce the provisions of ss. 3 to 7 of that Act without by-law; but if they delegate their powers to a committee, they must do so by a municipal by-law. They cannot, however, delegate powers except those which they exercise under the Public Health Act. A by-law was passed by the municipal council of the city of Brantford regulating the cleaning of privy vaults, and imposing a fine of not less than \$1 nor more than \$50 for a breach of its provisions:—Held, valid, as the by-law was one under the Municipal Act, and not under the Public Health Act, which restricts the penalty to \$20. The by-law, as set out in the report, was objectionable, as delegating to persons not members of the council, the board of health, the powers which, as municipal matters, belonged exclusively to the council. *In re Mackenzie and City of Brantford*, 4 O. R. 382.

**By-law—Validity—Board of Health—Appointment of.**—Where B. brought action against the township of S. to recover remuneration for medical services performed on the instructions of the corporation and of the board of health, and it was objected that the by-law professing to appoint the board of health was invalid by reason of the fact that it merely purported to appoint three persons to be a board of health, but did not make any mention of the officers who, by 47 Vict. c. 38, s. 12, s. s. 2, are made ex officio members of the board of health, and because it did not specifically state the three individuals named to be ratepayers:—Held, that, looking at the provisions of the statute, and considering that the attack now made upon the by-law was not by motion to quash it or of a like character, the objections could not be allowed to prevail. *Bogart v. Township of Seymour*, 10 O. R. 322.

**Smallpox Hospital—Erection of—Foreign Municipality.**—Held, that under 45 Vict. c. 29, s. 12 (O.), the corporation of one municipality could not erect or establish a smallpox hospital within the limits of another, either of a temporary or permanent character, without the sanction of the corporation of the latter, and an injunction was granted to restrain the same. *Township of Elizabethtown v. Town of Brockville*, 10 O. R. 372.

**Public Morals—Offence—By-law.**—The conviction was under a by-law, for writing and posting up an indecent placard, and the placard was a criminal libel. Quære, whether the municipality could thus make a new of-