commitment, under 32 & 33 Vic. ch. 31 sec. 75, is discretionary, not compulsory, upon a justice of the peace, and the Court will therefore, on this ground, as well as upon the ground that the party sought to be committed has not been made a party to the application, refuse a mandumus, if this be the proper remedy, which, in this cases, it was *held* not to be, but that the application should have been under C. S. U. C. ch. 126, sec 8.

Quære, whether an order of the Sessions, simply ordering costs of an appeal to be paid, without directing to whom they are to be paid, &c., under sec. 74 of the above Act, is regular. —*In re Delaney* v. *MacNabb*, 21 U. C. C. P. 563.

By-Law — Hucksters, etc.—A by-law of a municipal corporation, purporting to be passed under 29 & 30 Vic. ch. 52, sec. 296, sub-secs. 11 and 12, and 31 Vic. ch. 30, sec. 32 (Ont.) prohibiting any huckster, butcher, or runner, from buying or contracting for any kind of fresh meat or provisions on the roads, streets, or any place within the town on any day before the hour of 9 o'clock, a.m., between 1st April and November, or before 10 a.m. during the remainder of the year, was held bad, and ordered to be quashed.—*Wilson* v. *The Corporation of the Town of St. Catharines*, 21 U. C. C. P. 462.

Taxes—Distress—Trespass.—One N. S., the plaintiff's son, was assessed in 1868 as a freeholder, for $450 on real estate and $200 on personal property, and was on the collector's roll for county rate $9.95, school $7.02, township rate $2.60, and dog tax $2—in all $21.37. The rate did not appear on the collector's roll, and the collector was not aware how much was for real and how much for personal property. He demanded the taxes from the plaintiff, to whom N. S. had made an assignment in August, 1868, and the plaintiff offered to pay him the tax on the real estate only, but he tendered no money and required a receipt in full for the real property. The defendant thereupon seized on the premises goods which had belonged to N. S., and the plaintiff brought trespass.

Held, that he could not recover, for it was not shewn, and the Court would not assume, that any part of the amount seized for was for personal property, except the $2 dog tax; and this sum being severable, and the other sums not tendered, his seizing for it with the rest would not vitiate the whole distress.

Held, also that a demand upon the plaintiff was sufficient.—*J. L. Squire* v. *Mooney*, 30 U. C. Q. B. 531.

Division Courts.—*Held*, following *Jones* v. v. *Williams*, 4 H. & N. 706, that under the Division Courts Act, C. S. U. C. ch. 19 sec. 175, the Court has no power to stay proceedings in an action brought after the adjudication by the County Court Judge.—*Schamehorn* v. *Traske*, 30 U. C. Q. B. 543.

Vagrant Act—Form of Conviction under—Certiorari.—A conviction under 32-33 Vic. ch. 28, D., for that V. L., was in the night time of the 24th February, 1870, a common prostitute, wandering in the public streets of the City of Ottawa, and not giving a satisfactory account of herself, contrary to this statute: *Held*, bad, for not shewing sufficiently that she was asked, before, or at the time of being taken, to give an an account of herself, and did not do so satisfactorily.

Semble, proceedings having been taken under 29-30 Vic. ch. 45, D., that the evidence might be looked at; and if so it was plainly insufficient, in not shewing that the place in which she was found was within the statute, or that she was a common prostitute.

The conviction having been brought up by *certiorari*, when, under the 32 & 33 Vic. ch. 31, D., no such writ could issue—Per *Richards*, C. J., and *Morrison*, C. J., it could not be quashed, but the Court could only discharge the defendant. *Semble*, Per *Wilson*, J., that being before the Court it might be quashed.—*Regina* v. *Levecque*, 30 U. C. Q. B., 509.

Prohibitory Liquor Law.—*Held*, that the municipal council of a village, incorporated in and separated from a township, in which before and at the time of said incorporation a by-law existed prohibiting the sale of intoxicating liquors in shops and places other than houses of public entertainment within said township, could not, by a by-law not submitted for the approval of the electors of the village corporation, repeal the prohibiting by-law so far as it affected the village municipality, but that the by-law must be passed upon by the electors under 32 Vic. ch. 32, sec. 10 (Ont.)—*In re Cunningham* v. *the Corporation of the Village of Almonte*, 30 U. C. C. P., 459.

School Sections—Boundaries of—Construction of By-Law—Map.—The question being whether the plaintiff's lot, 23 in the 8th Concession of Thurlow, was within school section 16, a by-law defining the limits of sections in the Township was proved, which declared the section to be composed, among other lots, of "50 acres of the east side of lot No. 16, all of No. 17, S. ½ of No. 18, all of 19, 20, 21, 22, 23, and 24,"