

ation for ten years from the 1st January, 1885. In 1888 the limits of the (then) town of Windsor were, under the provisions of R. S. O. 1887 c. 184, s. 22, extended so as to embrace the lands in question. Held, that, assuming that the water rate was a species of taxation, the effect of R. S. O. c. 184, s. 54, was to put an end to the exemption. *Municipality of Cornwallis v. Canadian Pacific R. W. Co.*, 19 S. C. R. 702, distinguished. *City of Windsor v. Canada Southern R. W. Co.*, 20 A. R. 388.

Supply — Contract — Breach — Purity — Injury to Hydraulic Elevator.—The plaintiffs complained that an hydraulic elevator in a building owned by them had been damaged by sand and water supplied from the city works, and claimed damages:—Held, that the city being bound by law to supply water from their system of waterworks to any inhabitant of the city who applies therefor, and complies with the statutory conditions, no contractual relationship arose between the city and the plaintiffs by reason of the application for water and the city's compliance therewith, and that the city were not liable, as upon a breach of contract to supply pure water, for injuries caused to the elevator. Judgment in 29 O. R. 459 affirmed. *Scottish Ontario and Manitoba Land Co. v. City of Toronto*, 26 A. R. 345.

XXXI. MISCELLANEOUS CASES.

Administration of Justice — Detection of Crime — Certified Account.—The gist of s. 12 of R. S. O. 1897 c. 101, is to empower a warden and county attorney to authorize any constable or other person to perform special services not covered by the ordinary tariff, which are in their opinion necessary for the detection of crime or the capture of persons believed to have committed serious crimes, and to do so upon the credit of the county, and so to render the county liable for the payment for such special services, and that whether the account is certified by the warden and county attorney, as required by the said section, or not. *Sills v. County of Lennox and Addington*, 31 O. R. 512.

Aid to Farmers — By-law — Statute — Retractivity.—Held, that a by-law of the county of Perth, passed before 22 Vict. c. 7, authorizing county councils to raise moneys to assist persons to sow their land, &c., was not ratified thereby. Said statute is not retrospective, except in the case of the by-law of the county of Bruce, thereby specially provided for. *Campbell v. Corporation of Elma*, 13 C. P. 286.

Alienation of Property — Necessity for By-law.—To give legal authority for the alienation of the property of a municipal corporation, it is necessary that a by-law of the corporation should be passed, even though the title thereto has been obtained originally in an informal manner. *Grand Junction R. W. Co. v. County of Hastings*, 25 Gr. 40.

Appropriation for Expenditure — Illegality — Annulment — Rights of Elector — Time.—It was enacted by s. 12 of 42 & 43 Vict. c. 53 (Q.), that any municipal elector might demand the annulment of the corporate appropriation for expenditure within three months from the date thereof on the ground of illegality, but that thereafter the right was prescribed and the appropriation valid:—Held, that on the expiration of the three months,

upon a non-judicial day, the elector's statutory right was at an end, and could not be extended by any procedure clause (see s. 3 of the Civil Procedure Code) which presupposed an existing right of action and regulated its exercise. *Dechêne v. City of Montreal*, [1894] A. C. 640.

Appropriation of Revenue — Dog Tax — Local Improvements.—A municipal council, under 12 Vict. c. 81, s. 31, could not appropriate the revenue arising from a tax imposed on the owners of dogs in only a part of the township, to the improvement of the public streets and to other purposes within the limits of such part. *In re Richmond v. Township of Front of Leeds and Lansdowne*, S U. C. R. 567.

Commission of Inquiry into Finances — Bar to Arbitration.—The authority of the executive government to appoint a commission to inquire into the financial affairs of a municipal corporation, does not prevent such corporation from suing for money due to them, or referring the claim. *In re Township of Eldon and Ferguson*, 6 L. J. 207.

Petition for — Status of Petitioners.—Section 243 of the Municipal Institutions Act of 1896, as amended by 34 Vict. c. 30, s. 15 (O.), authorizes the governor in council to issue a commission to inquire into the financial affairs of the corporation, in case thirty duly qualified electors of the municipality petition therefor; and s. 244 enacts that the expense of the commission shall be determined and certified by the minister of finance, and shall then become a debt due to the commissioner by the corporation. In an action by the commissioner for such expenses:—Held, (1) that evidence was properly admitted to show that the petitioners, who were described only as ratepayers, were electors as well; and (2) that defendants could not in this action dispute the validity of the commission, by shewing that one of the thirty, though on the electors' roll, was not in fact a duly qualified elector. Quere, whether, if there had been no petition, the plaintiff could have recovered. Quere, also, as to how far the roll is conclusive, beyond the right to vote, except for the purpose of an election. *Bristow v. Town of Cornwall*, 36 U. C. R. 225.

See Township of East Nissouri v. Horseman, 16 U. C. R. 556.

Compensation for Sheep — Town Corporations.—Held, that 32 Vict. c. 31 (O.), which requires municipalities to provide compensation to the owners of sheep killed by dogs, for the damage they have thereby sustained, is not confined to county municipalities and to municipalities within their jurisdiction, but applies also to towns which have withdrawn from the jurisdiction of the county. *Williams v. Town of Port Hope*, 27 C. P. 548.

Delegation of Powers.—See *In re MacKenzie and City of Brantford*, 4 O. R. 382; *Regina v. Webster*, 16 O. R. 187.

A municipal corporation cannot delegate to a board of health power to cancel a license which it may have under 62 Vict., 2nd sess., c. 26, s. 37 (2) (O.). *Re Foster and City of Hamilton*, 31 O. R. 292.

District Council — Assessment Rolls.—As to the power of district councils, under 4 & 5 Vict. c. 10, with regard to the preparation of assessment rolls and statute labour lists. *See Baby v. Baby*, 5 U. C. R. 519.