

From C.P. Div.]

[May 14.

CANADIAN PACIFIC RAILWAY CO. v. TOWNSHIP OF CHATHAM.

Municipal corporations—Drainage—Contract—Ultra vires—By-law—R.S.O., c. 184, ss. 569, 573, 585.

Where drainage works for the benefit of lands in two townships prove, as originally initiated and constructed, insufficient, an addition thereto costing more than \$200 must be authorized by petition and by-law under the Act, and a contract entered into under seal by one township binding itself to pay the cost of the additional work cannot, even after completion and acceptance of the work, be enforced.

Judgment of the Common Pleas Division, 25 O.R. 465, affirmed, OSLER, J.A., dissenting.

Moss, Q.C., and A. MacMurphy for the appellants.

M. Wilson, Q.C., and Pegley, C., for the respondents.

From C.P. Div.]

[May 14.

GORDON v. DENISON.

Trespass—Police magistrate—Jurisdiction—Warrant to compel attendance of witness—R.S.C., c. 174, s. 62—Malicious arrest—Imprisonment—Damages.

Where a police magistrate, acting within his jurisdiction under R.S.C., c. 174, s. 62, issues his warrant for the arrest of a witness who has not appeared in obedience to a subpoena, he is not liable in damages, even though he may have erred as to the sufficiency of the evidence to justify the arrest.

Judgment of the Common Pleas Division, 24 O.R. 576, affirmed.

Osler, Q.C., and H. S. Osler for the appellant.

Delamere, Q.C., and Macklem for the respondent.

In an action for malicious arrest, judgment cannot be entered upon answers to questions submitted to the jury; a general verdict must be given.

Judgment of the Common Pleas Division, 24 O.R. 576, reversed, MACLENNAN, J.A., dissenting.

H. M. Mowat for the appellant.

Osler, Q.C., and H. S. Osler for the responder ..

From MACMAHON, J.]

[May 14.

SWEENEY v. SMITH'S FALLS.

Municipal corporations—Local improvements—Debentures—By-law—Registration—R.S.O., c. 184, ss. 351, 352.

Even after registration, under s. 352 of the Municipal Act, R.S.O., c. 184, of a local improvement by-law, a ratepayer may show that the by-law is invalid, and successfully resist payment of the local improvement tax.

Judgment of MACMAHON, J., reversed.

Osler, Q.C., for the appellant.

Moss, Q.C., and Lavell for the respondents.