

BOYD, C., IN CHAMBERS.

NOVEMBER 6TH, 1915.

*RE HOGAN v. TOWNSHIP OF TUDOR.

Municipal Corporation—Claim against for Loss of Sheep—Dog Tax and Sheep Protection Act, R.S.O. 1914 ch. 246, sec. 18—Application to Council—Refusal—Enforcement by Action—Division Court—Prohibition.

Motion by the Corporation of the Township of Tudor, defendant in an action in the Sixth Division Court in the County of Hastings, for an order prohibiting the enforcement of a judgment in that Court against the defendant for the value of certain sheep belonging to the plaintiff, alleged to have been killed by dogs of unknown owners.

F. Denton, K.C., for the defendant corporation.

M. H. Ludwig, K.C., for the plaintiff.

THE CHANCELLOR said that application for damages was made, under the Dog Tax and Sheep Protection Act, R.S.O. 1914 ch. 246, sec. 18, to the municipal council, who refused to entertain the claim or give relief. The grounds on which the council acted did not appear; but that made no difference in the result of this motion. A statutory right of relief was given to sheep-owners on an application satisfactory to the council. But nothing in the Act or elsewhere made the corporation liable in a Court of law for the amount of such damage. The special relief vouchsafed by the Legislature could not be transformed or enlarged into a legal right of action against this public body.

The further prosecution of the action should be inhibited.

RE RICHARDSON—LENNOX, J., IN CHAMBERS—NOV. 4.

Infant—Custody—Application of Father—Facts not Sufficiently Shewn—Leave to Renew upon Further Material.]—Application by the father of Frederick Richardson, an infant, for an order awarding him the custody of the child. The Protestant Orphans' Home was made respondent. The learned Judge said that the Orphans' Home placed this boy in the custody of some one, under articles of apprenticeship, but this person was not made a party to the proceedings. Nothing was shewn as to the