ing residence and good behaviour, can only be removed for cause, and then only with the approval of the Provincial Board. In addition to all this, new duties are assigned to this officer and new powers are vested in him. Many of these provisions involve, outside of ordinary professional attainments, the exercise of important discretionary functions and the possession of financial and administrative capacity. See, for instance, new sections 38, 40, 41, 42, 52, 72, and 87; not to speak of many other amendments throughout the Act.

I cannot therefore accede to the applicant's contention that upon the new Act coming into force, in June, 1912, a new contract was thereby created between him and the municipality, that he ceased to be a temporary and became a permanent officer of the municipality, and that from that day on the council ceased to have any say in the matter. Yet the officer on his part would not be bound to remain in the service of the municipality. The radical nature of the changes introduced, I would take, to be an answer to all this.

However, in any case, though I attach no importance to the verbal change from "Medical Health Officer" to "Medical Officer of Health," the applicant could hardly be said to be the officer described in the 37th and other sections of the Act, under the definition contained in sub-sec. (g) of sub-sec. 2, namely:—

"Medical Officer of Health shall mean the Medical Officer of Health of the municipality appointed under this Act." Dr. Warren's appointment was not under this Act.

On the other hand, Dr. McGillivray has been appointed under it, and can only be dismissed under the terms of sec. 37.

I am satisfied that there was no infraction of sec. 320 of the Consolidated Municipal Act relating to appointment by tender.

The motion is dismissed with costs.