

Held, in answer to the contention that sums expended for school purposes and debentures, and other special charges, were not "current expenditure"; that the by-laws recited that the loans were to meet "current expenditure," and that there was no power to borrow for any other purpose without a vote of the duly qualified ratepayers; that the sums borrowed were in the estimates and were part of the current expenditure for 1903, and similar charges were in the regular levy for 1902 and formed part of the sum on which the 80 per cent. was calculated.

Held, also, that a sum of \$5,000 borrowed under a by-law passed in January, 1903, by the outgoing council of 1902 should be taken into account.

Held, also, that the personal motives of the relator had no bearing on the motion or any part of it, and affidavits and counter affidavits as to his motives were not read; and the mayor and four councillors were unseated and ordered to pay the costs.

Aylesworth, K.C., and *C. F. Sutherland*, for the relator. *A. G. MacKay*, K.C., contra.

Meredith, C.J.C.P., Maclaren, J.A., MacMahon, J.]

[June 10.

REX v. MANCION.

Justice of the Peace—Conviction—Minute of—Absence of formal entry—Quashing—Costs.

Where a Justice of the Peace convicts or makes an order against a defendant and a minute or memorandum of such is then made the fact that no formal conviction has been drawn up is no reason why the conviction should not be quashed.

The Court has jurisdiction by virtue of sec. 119 of the Judicature Act to award the costs of a motion to quash a conviction under the Ontario statute against either the Justice of the Peace or informant. *Rex v. Bennet* (1902) 4 O.L.R. 205, distinguished.

Marsh, K.C., for defendant. *Middleton*, for informant and magistrate.

Street, J.] CAMDEN CHEESE AND BUTTER CO. v. HART. [June 13.

Cheese factories—Arbitration.

By reason of s. 16, R.S.O. 1897, c. 201, there is no jurisdiction to appoint an arbitrator to decide a dispute between members of a Cheese and Butter Manufacturing Association, and one of the members with reference to a withdrawal of a member unless and until the association forms rules in accordance with sec. 6 of that Act in reference to the expulsion of a member.

H. L. Drayton, for defendant appellant. *D. L. McCarthy*, for plaintiff.