

From Co. Ct. York.]

[March 5.

CONFEDERATION LIFE ASSOCIATION *v.* CITY OF TORONTO.*Assessment and taxes—Life insurance company—Reserve fund—Interest—Income.*

Interest earned on the statutory reserve fund of a life insurance company is part of its assessable income.

The decision of the judge of a County Court on a question of assessment is final, when he is dealing with property that is assessable at all.

Judgment of FERGUSON, J., 24 O.R. 643, affirmed.

S. H. Blake, Q.C., and A. J. Russell-Snow for the appellants.

Fullerton, Q.C., and T. Caswell for the respondents.

From Co. Ct. Leeds and Grenville.]

[March 5.

HUNT, *qui tam v.* SHAVER.

Police magistrate—Justice of the peace—Return of convictions—Penalty—R.S.O., c. 76, ss. 1 and 3—R.S.O., c. 77, s. 6.

A police magistrate, acting *ex officio* as justice of the peace, is not subject to the provisions of section 1 of R.S.O., c. 76, and need not make a return as therein required to the clerk of the peace.

Section 6 of R.S.O., c. 77, exempts him from this duty, whether he is acting as police magistrate, or, *ex officio*, as justice of the peace.

Judgment of the County Court of Leeds and Grenville affirmed.

Moss, Q.C., for the appellant.

Delamere, Q.C., for the respondent.

From Chy. Div.]

[March 5.

HOOFSTETTER *v.* ROOKER.

Mortgage—Charge—Executory agreement—Registry Act—Witness—R.S.O., c. 114, ss. 44 and 45.

A letter in the following form: "I agree to charge the east half of lot number nineteen . . . with the payment of the two mortgages . . . amounting to \$750.00 . . . and I agree, on demand, to execute proper mortgages of said land to carry out this agreement, or to pay off the said mortgages," operates as a present charge upon the lands described, and may be registered against them. It is not a mere executory agreement.

An affidavit of execution for the purpose of registration may be made by a person who writes his name, not as witness, but as the person to whom such a letter is addressed, and, in fact, witnesses the signature.

Judgment of the Chancery Division reversed.

Langton, Q.C., for the appellant.

Cassels, Q.C., for the respondent.