

contract were, until the completion of the work, to be the property of the company, when such as had not been used and converted into the works, and remained undisposed of, were to be delivered over to the contractor, but in other clauses the words teams and horses were respectively used as well as the word "plant."

*Held*, under the contract, that horses were not included in the word "plant," and that expert evidence was not admissible to explain its meaning, but in any event the plaintiff must fail, for the evidence showed that the horses in question did not belong to the contractor, and so did not come within the contract.

*B. B. Osler, Q.C.*, for the plaintiff.

*Aylesworth, Q.C.*, for the defendants.

Div'l Court.]

[June 23.

HELLEMS v. CORPORATION OF ST. CATHARINES.

*Municipal corporation—Officer holding office during pleasure—Removal of officer.*

Section 27 of the Municipal Act, 55 Vict., c. 42 (O.), enacts that officers appointed by the council shall hold office until removed by the council.

*Held*, that the fact of this was that all such officers held their office during the pleasure of the council, and might be removed at any time without notice or cause shown therefor, and without the council incurring any liability thereby.

Where, therefore, a city commissioner was appointed by a resolution of the council, and shortly afterwards another resolution was passed rescinding the former one, the appointment was held to be rescinded without the council having incurred any liability.

*Watson, Q.C.*, and *Lancaster* for the plaintiff.

*Aylesworth, Q.C.*, and *Mcdonald*, *contra*.

Div'l Court.]

[June 23.

SCOTT v. REBURN.

*False arrest—Constable—Notice of action—Necessity for—Requisites of.*

Where in an action against a constable for false arrest it is found by the jury that the defendant acted in the honest belief that he was discharging his duty as a constable, and was not actuated by any improper motive, he is entitled to notice of action, and such notice must state not only the time of the commission of the act complained of, but that it was done maliciously.

*Fullerton, Q.C.*, for the plaintiff.

*J. B. Clarke* for the defendant.

Div'l Court.]

[June 23.

REGINA v. WITTMAN.

*Criminal law—Keeping a common gaming house—Offence in the United States.*

In a betting game called "policy," the actual betting took place in the United States, all that was done in Canada being the happening of the chance on which the bet was staked.