

sitting as such shall have power to do alone whatever is authorized by any statute in force in this Province relating to matters within the legislative authority of the Legislature of the Province, to be done by two or more Justices of the Peace, and every such Police Magistrate shall have such power while acting anywhere within the county for which he is *ex officio* a Justice of the Peace." The evidence in the case had been taken in shorthand, and the notes afterwards extended.

*Held*, 1. The first part of s. 30 applies to every Police Magistrate, but under the last part only a Police Magistrate for a county might have sat elsewhere than at the place for which he was appointed.

2. The conviction should be amended by giving the Magistrates proper style of office.

3. The provisions of s. 99 are directory.

*Reg v. Scott*, 20 O.R. 646, followed.

*W. N. Ferguson*, for the defendant. *Cartwright*, K.C., for the Magistrate.

Teetzel, J.]

REX *v.* WALTERHOUSE.

[May 20

*Habeas Corpus—Crim. code ss. 144 and 203—Assault on a constable—Erroneous description of offence.*

The prisoner had been convicted on an information charging him with an assault upon a constable whilst on duty.

*Held*, that whether jurisdiction was enjoyed by Justices of the Peace to convict summarily under s. 144 or not, the expression "on duty" was not equivalent to "acting in the execution of his duty," which are the words of the section, and the prisoner was ordered to be discharged.

*Bradford*, for the prisoner. *Cartwright*, K.C., for the Crown.

Cartwright—Master in Chambers.]

[April 25.

REX *EX REL.* SEYMOUR *v.* PLANT.

*Municipal corporations—Councillors—Disqualification—Diversion of sinking fund.*

The provisions of s. 4183 of the Consolidated Municipal Act, 3 Edw. VII., c. 19, do not apply to debentures payable in annual instalments, there being in such a case no "sinking fund" to be provided. *Reg. ex rel. Caranagh v. Smith* (1895) 26 O.R. 632, distinguished.

*Watson*, K.C., and *J. Grayson Smith*, for relator. *Rodd*, for respondents.