

7. *Prohibition—Jurisdiction of County Court—Waiver.*

See PROHIBITION, 2.

8. *Promissory note—Payable on contingency—Statement of claim in County Court.*

See PROMISSORY NOTE, 2.

9. *Jurisdiction of County Court—Title to land—Effect of raising objection to jurisdiction in dispute note—Taxes—Assessment of home- stead before patent—Liability of occupant—Assessment—Rates—Evidence—Owner or occupant.*

See PROHIBITION, 3.

CRIMINAL LAW.

1. *Extorting money—Menaces—Letter demanding money.*]—R.S.C. 173, s. 1, provides that "Every one who sends, . . . knowing the contents thereof, any letter or writing demanding of any person with menaces, and without any reasonable or probable cause any property, chattel, money . . . is guilty of a felony," &c.

Held, (KILLAM, J., *dubitante*), that a letter sent by the prisoners to a tavern keeper demanding a sum of money, and threatening in default of payment to bring a prosecution under The Liquor License Act, was not a menace within the meaning of the above section.

Held, also, (KILLAM, J., *dubitante*), that the test is whether the menace was such as a firm and prudent man might and ought to have resisted.

Rex v. Southerton, 6 East, 126, followed. *Regina v. McDonald and Vanderberg*, 491

2. *Obstructing Sheriff's officer—*

Writs of fi. fa.—Erroneous statement therein of date of judgment—Validity of—Irregularity—Amendment—Sheriff—Duty of.]—The prisoner was convicted under an indictment charging him with unlawfully and wilfully obstructing a sheriff's officer in the execution of three writs of *fi. fa.* It was stated in each of the writs that the judgment upon which it was issued had been entered up on 25th February, 1892. The judgments were in fact entered up on 3rd February, 1887. Upon this point the trial Judge reserved a case for the opinion of the Court of Queen's Bench.

Held, that where a writ is delivered to a sheriff in proper form, and on its face regular he is bound to execute it. That the error was merely an irregularity which might be amended, and that the prisoner was rightly convicted. *Regina v. Monkman* 509

3. *Assault occasioning actual bodily harm—Evidence—Competency of accused to give evidence on his own behalf—Statement by party assaulted—Admissibility of.*]—On an indictment for assault and battery occasioning actual bodily harm the accused, at the close of the evidence for the prosecution, asked to be sworn and examined as a witness on his own behalf. The trial Judge held that he was not in a position to find that the only case apparently made out was one of common assault or assault and battery, and refused to allow the evidence. On a Crown case reserved,

Held, that the accused was not a competent witness on his own behalf under R.S.C. c. 174, s. 216. *Reg. v. Bonter*, 30 U. C. C. P. 19; and *Reg. v. Richardson*, 46 U. C. R. 375, followed.