

the rule making power (under sec. 63) is extended to its provisions.

By section 1, "any suit cognizable in a Division Court may be entered and tried and determined in the court, the place of sitting whereof is the nearest to the residence of the defendant or defendants; and such suit may be entered and tried and determined irrespective of where the cause of action arose, and notwithstanding that the defendant or defendants may at such time reside in a county or division other than the county or division in which such Division Court is situate and such suit entered."

It will be observed that the power to select a tribunal under given circumstances is conferred on the person who enters a suit. It is permissive, and may or may not be made use of. The defendant cannot compel a plaintiff to proceed under this clause, nor can he, if a suit be entered under the authority of section 71 that might be entered under this section, object that it would be more convenient to him to have the case entered in the nearest court to him.

The section will in many cases give the plaintiff the choice of several tribunals, *e. g.*, in the court for the division where the cause of action arose, where the defendant resides, or the court the place of sittings whereof is the nearest to the residence of the intended defendant.

MAGISTRATES, MUNICIPAL & COMMON SCHOOL LAW.

NOTES OF NEW DECISIONS AND LEADING CASES.

QUARTER SESSIONS.—CONTEMPT.—COUNSEL.—

A Court of Quarter Sessions being a court of record has jurisdiction to fine for contempt of court; and a counsel was fined for using insulting language to a jurymen, and thereby obstructing the business of the court. The Court of Queen's Bench will exercise a supervision in such cases, and see that the inferior court has not exceeded its jurisdiction. (*In re Pater*, 13 L. T. M. C. 142.)

FALSE PRETENCES.—INDICTMENT.—To sustain an indictment for obtaining or attempting to obtain money by false pretence, the indictment must state with certainty the pretence of a supposed existing fact—A statement that prisoner pretended to H. P. (the manager of T.'s business) that H. P. was to give him 10s., and that

T. "was going to allow him 10s. a week." *Held* insufficient. Blackburn, J., and Pigott, J., *dubitantibus*. (*Reg. v. Henshaw*, 33 L. J. M. C., 132.)

CRIMINAL LAW.—EVIDENCE.—An indictment charging prisoner with shooting at A. B. with intent to do him grievous bodily harm, is well supported by evidence, showing that he fired a loaded pistol indiscriminately into a group of persons intending to do grievous bodily harm, and that he hit A. B. (*Reg. v. Fretwell*, 33 L. J. M. C., 128.)

MUNICIPAL CORPORATION.—RETAINER OF ATTORNEY.—A corporation, as a general rule, cannot bind itself except under its common seal; and the retainer of a solicitor to oppose a bill in Parliament is not an exception to that rule. (*Sutter v. Spectacle Makers' Company*, 12 W. R. 742.)

BY-LAW.—POWERS OF TOWN COUNCIL WITH REGARD TO SALE OF PROVISIONS, &c.—LICENSES TO BUTCHERS.—PUNISHMENT IMPOSED FOR BREACH.—WHETHER IT MUST BE FIXED IN BY-LAW OR MAY BE LEFT TO THE MAGISTRATE.—The corporation of a town by by-law enacted that no person should expose for sale any meat, fish, poultry, eggs, butter, cheese, grain, hay, straw, cordwood, shingles, lumber, flour, wool, meal, vegetables, or fruit (except wild fruit), hides or skins, within the town, at any place but the public market, without having first paid the market fee thereon, as therein provided, except all hides and skins from all animals slaughtered by the licensed butchers of the corporation holding stalls in the market. *Held*, bad, as being beyond the power of the corporation.

Also, that meat, fish, poultry, eggs, cheese, grain, hay, straw, cordwood, shingles, lumber, flour, wool, meat, vegetables, or fruit, except wild fruit, should not be exposed for sale within the municipality, except in the market, before 12 o'clock, noon.

Held, bad, as to the articles printed in italics, power being given as to the others only, by sec. 294, sub-sec. 10, of Consol. Stats. U. C., ch. 54.

Also, that before 10 a.m. during May, June, July, and August, and before 11 during the other months, no huckster, butcher, dealer, trader, runner, agent, or retailer, or any other person purchasing for export or to sell again, should buy, bargain for, engage or offer to buy any article of household consumption brought to the market, excepting pork, grain, flour, meal, or wool. *Held*, bad, except as to hucksters and runners, they only being included in sub-sec. 12.