

On the hearing the informant was called and sworn as a witness for the prosecution. C.S.U.C. c. 104, s. 13, enacts by its closing paragraph "that the party who makes the charge in writing before the justice shall not be admitted as a witness in the case." 56 Vict. (Dom.) c. 31, s. 3, enacts "that a person shall not be incompetent to give evidence by reason of interest or crime."

*Held*, sanctioning the principle of *Arscott v. Lilley*, 14 A.R. 283, and applying the doctrine, *generalia specialebus non derogant*, that the latter fact did not operate to repeal the former in this respect.

*Chisholm*, for the prosecutor. *J. E. Jones*, for the defendant.

Anglin, J.]

SMITH v. CLARKSON.

[May 5.

*Staying proceedings—Vexatious action—Security for costs.*

A special assignment for the benefit of creditors had been made by the plaintiff and his then partner to the defendant, who realized the assets and wound up the estate. The defendant's accounts were after notice to the plaintiffs passed by a Surrogate Judge. The plaintiff then brought this action asking for an account and complaining of certain items of expenditure and compensation.

*Held*, on the evidence, that there were grave doubts as to the bonafides of the action; that an order to stay proceedings would be justified, but that in the exercise of discretion the action might be proceeded with upon security for costs being given.

*Middleton*, for defendant. *F. E. Hodgins*, K.C., for plaintiff.

Meredith, C.J., MacMahon, J., Teetzel, J.]

[May 5.

REX. v. BIDGOOD.

*Liquor License Act, R.S.O. c. 246, ss. 49, 97, 99—Jurisdiction of Police Magistrate—Evidence in writing—R.S.O. c. 87, ss. 18 and 30.*

The defendant had been convicted before D. M. Brodie (alleging himself in the conviction to be Police Magistrate in and for the Town of Sudbury, but having his appointment for the District of Nipissing), for selling liquor without a license. R.S.O. c. 246, s. 97, requires that the offence of selling liquor without a license should be heard and determined by two justices, while s. 99 provides for the evidence being taken down in writing. Sec. 18, R.S.O. c. 87, authorizes the appointment of a Police Magistrate for a District, and s. 30 declares that "a Police Magistrate,