heir clerk, fined the plaintiff forty shillings and costs, in spite of an objection. Subsequently the plaintiff was arrested upon a warrant issued by the defendants to enforce the conviction, and conveyed to the police station, where he paid the amount under protest. The conviction was afterwards quashed by the Court of Queen's Bench, on the ground that as the path in question did not run by the side of a public carriage way, the magistrates had no jurisdiction in the case. (*Vide* 5 *&* 6 *Vict*, *c*, 50, *s*. 72). The plaintiff then brought the present action for the amount of his attorney's bill and costs, The defendants had expressed their regret at having voluntarily exceeded their jurisdiction, and tendered £73, which, however, the plaintiff declined to accept. The Lord Chief Baron, before whom the case was tried, directed the jury that the only question was as to the amount of damages, and the jury awarded £247. We are not concerned with the merits of the case, otherwise than as they bear upon the efficiency of ordinary justices of the peace. As regards the defendants, they appear to have acted *bonâ fide*, and without any bias beyond the desire to arrive at a correct decision in the case before them; but the best possible intentions are utterly futile if there be no power for them to set in motion; and, emphatically in the case of a judge, knowledge is power—knowledge of a special description, legal knowledge. How much knowledge of magistrate's law these two Suffolk justices possessed may be gathered from their evidence in this case, as given in the *Times*.

Captain —— stated that he was one of the convicting magistrates in the case. He had been guided in the matter solely by the advice of the clerk to the justices. He had not the slightest ill-feeling towards the plaintiff, and so on . . . He had been so short a time on the bench that he did not know whether it was customary to give notice before issuing a warrant of this kind. He had looked once or twice into a book upon the duty of justices of the peace. He always took the advice of the justice's clerk in matters of pure law.

Mr.—— the second defendant, and also one of the convicting magistrates, had been one of the justices of the county since last September twelvemonth. He had also acted in this matter under the advice of the justices' clerk. He had no ill-feeling towards the plaintiff. . . He had never looked through the Highway Acts, and had he done so he should not have understood them.

These gentlemen state, candidly enough, that their decisions are the decisions of the clerk to the justices, and so far their case is eminently a representative one; but is this advisable? If the clerk be the real judge so far as concerns matters of law, let him sit as a judge to direct the magistrates as to the law, and let his ruling be binding upon them, as that of a judge of the superior court upon a jury. In this case a decision upon the operation of the Highway Acts was nominally given by two gentlemen, one of whom "had looked once or twice into a book upon the duty of justices of the peace," the other, "had never looked through the Highway Acts, and had he done so should not have understood them." We repeat that we have no antagonism against either of these particular justices, or their clerk. Everything appears to have been done *bonâ fide*. It is the system under which these things are done with which we find fault. In the present case the effect of the wrongful decision has been redressed by an appeal to Westminster, but if the party convicted had been a labouring man, there probably would and could have been no appeal. A justice of the peace is a judge, though an humble one, and as such, we really think he should possess *some* knowledge of the law which he is sworn to administer.—*Solicitors' Journal*.

ONTARIO REPORTS.

ELECTION CASES.

(*Reported by* HENRY O'BRIEN, Esq., *Barrister-at-Law, Reporter in Practice Court and Chambers.*)

REGINA EX REL. WM. ADAMSON v. JOHN BOYD.

Municipal election—Payment of taxes by voters and candidate—When election commences—Notice to voters of candidates disqualification—Surrender of tenancy.

B. and A. were partners occupying premises as co-tenants under a yearly tenancy on the terms of an expired lease. Before the nomination day for a municipal election they dissolved partnership, B. leaving the business and premises, of which A. remained in possession. A. shortly afterwards went into partnership with S., and the new firm then took a fresh lease of the premises from same landlord.

Held, 1. That B. was not at the time of the election the co-tenant of A., the tenancy having been surrendered by operation of law.

2. That the non-payment of taxes by a candidate before the election disqualifies him.

3. That municipal elections commence with the nomination day, and the disqualification of a candidate has reference to that day.

4. If a candidate claims to be elected by reason of the disqualification of his opponent he must so distinctly claim it at the nomination, and also notify the electors that they are throwing away their votes.

[Common Law Chambers, March, 1868.]

This was a writ of summons in the nature of a *quo warranto*, calling upon John Boyd to show by what authority he exercised and enjoyed the office of Alderman for the Ward of St. David, in the City of Toronto, and why he should not be removed therefrom, and William Adamson be declared duly elected and be admitted thereto, on grounds disclosed in the statement of said William Adamson, and the affidavits and papers filed in support of the same.

The statement and relation of William Adamson of the City of Toronto, wharfinger, complained that John Boyd, of the said city, merchant, had not been duly elected and had unjustly usurped and still usurped the office of Alderman in said City of Toronto, under the pretence of an election held on Monday, the 6th day of January, 1868, at Toronto, for the Ward of St. David, in said City of Toronto, and that he, the said Adamson, was duly elected thereto and ought to have been returned at such election as Alderman for said Ward, and declared that he, the said Adamson, had an interest in said election as