

appointment of a police magistrate and fix the salary to be paid—it follows that the provisions of the Act cannot be applied until a council has been elected. It seems plain that where is an existing town, the powers conferred upon the Lieutenant-Governor by sec. 6 may be exercised.

The next objection to the jurisdiction of the magistrate was that there was a police magistrate appointed for the part of the district of Nipissing where the offence was committed—Macdougall's Chute, in the township of Carr—and, that being so, it was argued that Mr. Brown had no jurisdiction over the offence or to try the offence within the territorial jurisdiction of the magistrate appointed for that part of the district.

We think there is nothing in that objection. The provisions of the Act are clear, subject to what I shall say as to the powers conferred by sec. 30.

By sec. 30, a police magistrate, sitting as such, has “power to do alone whatever is authorised, 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 police magistrate shall have such power”—i.e., the power to do alone whatever is authorised by any statute in force in this province relating to matters within the legislative power of the province, to be done by two or more justices of the peace—“while acting anywhere within the county for which he is *ex officio* a justice of the peace.”

There is nothing in the Act to exclude the jurisdiction of the magistrate in the territory for which the police magistrate for the part of the district of Nipissing in which Macdougall's Chute was situate, was appointed.

The provisions of sec. 7 which deal with the case of a city or town are that “no justice of the peace shall admit to bail, or discharge a prisoner, or adjudicate upon or otherwise act in any case for a town or city where there is a police magistrate, except at the Court of General Sessions of the Peace, or in the case of the illness, absence, or at the request of the police magistrate;” so that the jurisdiction of the justice is excluded in those cases.

Then by sec. 15: “(1) Where the county council of a county passes a resolution affirming the expediency of the appointment of salaried police magistrates, or a salaried police magistrate, for the county or part of the county,