

Q. B. Div.]

NOTES OF CANADIAN CASES.

[Q. B. Div.]

of the said county of Lanark; and the said north and south ridings together comprised the whole of the territorial limits of the county of Lanark as constituted for municipal purposes and no more.

The town of Perth was situate wholly within the said south riding.

Held, that the said magistrate was not a police magistrate for the county of Lanark within the meaning of the 103rd section of the Canada Temperance Act, 1878; and that Lanark was not a county having a police magistrate within the meaning of the said section.

Held, further (ARMOUR, J., on this point dissenting), that the said police magistrate was not a police magistrate for the town of Perth within the meaning of the said section; and that Perth could not, in virtue of the said commission appointing a police magistrate for the south riding of the county, be held a town having a police magistrate.

Per ARMOUR, J.—Perth was, under the circumstances, a town having a police magistrate, and the said police magistrate had, therefore, in this case, jurisdiction to convict.

Johnston, for the Crown.

Aylesworth, contra.

Rose, J.]

SIMPSON V. CORPORATION OF VILLAGE OF HUNTSVILLE.

Municipal corporation — Negligence — Accident occurring prior to organization of municipality — 49 Vict. ch. 55 — Non-liability — Pleading.

To an action by plaintiff against defendants for an accident to plaintiff on 11th April, 1886, caused by slipping on a sidewalk of defendants covered with snow and ice, negligently allowed to accumulate thereon by defendants, and being otherwise defective and negligently out of repair for a long time to the defendants' knowledge, and which it was their duty to keep in repair, defendants pleaded that the village of H. had not at the date of the accident been organized according to the terms of 49 Vict. c. 55, incorporating said village, and could not have any officers or servants, and could not be and was not guilty of negligence by

reason of anything done or omitted previous to or at the said date of said alleged accident.

Held, on demurrer, a good defence.

Patterson, for demurrer.

Arnoldi, contra.

Full Court.]

RE MACDOUGALL.

Solicitor — Annual certificates.

A solicitor who allows his name to be used as a member of a firm of solicitors in proceedings before the courts, although not a partner in regard to profits of the firm, is a practising solicitor within the meaning of R. S. O. cap. 140.

M., a solicitor of the court, allowed his name to be used by the firm of M. M. & B. in the usual advertisements and business cards of the firm. Proceedings in the courts were carried on by the firm of M. M. & B. M. did not participate in the profits of the firm.

Held, notwithstanding this, that he was liable to be suspended for practising without having taken out an annual certificate from the Law Society.

ARMOUR, J., dissenting.

Reeve, Q.C., and W. Read, for the motion.

F. Macdougall, contra.

REGINA V. PIERCE.

Criminal law — Conviction for bigamy.

The prisoner was convicted under 32 & 33 Vict. c. 20, s. 58, of bigamy. The first marriage was contracted in T., the second in D., in the U. S. of America.

Held, that it was incumbent on the Crown to charge and prove that the prisoner, at the time of the commission of the offence, was a subject of Her Majesty, resident in Canada, and that he had left the same with intent to commit the offence.

The learned judge directed the jury that if the prisoner was married to his first wife in Toronto, and to the second in Detroit, they should find him guilty of bigamy.

Per WILSON, C.J.—The indictment did not sufficiently charge the offence; and