

the amount provided by law such debt or expenditure shall not be recovered from the city."

*Held*, 1. The section first quoted applies to the expenditure of the ordinary annual revenues of the city and the second section to moneys borrowed for specific purposes.

2. The sections quoted are for the protection of citizens and that after the legislature from time to time authorizes the borrowing of money for specific purposes it is a "providing by law" of the moneys for the purposes mentioned, certainly after the money is received.

3. The installing of water meters was an improvement of the water system within the meaning of the Act.

4. The passage of a resolution by the city council declining to take delivery of the meters or pay for the same was a waiver of the condition precedent in relation to inspection entitling plaintiff to recover the contract price.

5. The provisions of R.S., c. 127, in respect to the registration of foreign companies were not applicable and that the defence that plaintiff company was not registered would not avail.

*Harris*, K.C., and *Henry*, K.C., for plaintiff. *W. B. A. Ritchie*, K.C., for defendant.

Full Court.]

THE KING v. STEWART.

[April 5.

*County Court Judge's Criminal Court—Election to be tried before—Effect of—Fixing day for trial—Jurisdiction of judge.*

The County Court Judge's Criminal Court is a Court of Record for the trial of certain criminal offences and the judge thereof for all purposes and proceedings connected therewith and related thereto has all the powers of a Court of Record, and a prisoner who elects to be tried before such court submits himself not to the particular judge, but to the County Court Judge's Criminal Court, which court does not lose jurisdiction over him until he is tried for the offence for which he is committed.

The mere fact that the judge of the court is not present on the day fixed for the trial cannot possibly affect the jurisdiction of the court, which arises and continues by reason of the prisoner's election to be there tried.

The fixing of a particular day for the trial has nothing to do with giving jurisdiction; it is simply a matter of procedure of a directory character.