

the evidence given by him, and the witness shall subscribe his name thereto," is directory, and that the fact that the Justice's return for review does not show that the evidence has been so read over to each witness, is not a ground for setting aside the judgment. (3.) That in the case of a note payable at a particular place, presentment at that place must be proved under s. 86 of the Bills of Exchange Act to entitle the plaintiff to judgment, and that the stamp of the Bank where the note was payable with the date of presentation was no evidence of presentment.

Non-suit ordered on first two grounds.

*O. S. Crocket*, for defendant.

This over-rules the judgment of the Chief Justice in *Ackerman v. McDougall*, reported in 33 C.L.J., 406.

Full Court.]

BOYER v. BOYER.

[Feb. 4.

*Town of Woodstock Civil Court*—Plaintiff may abandon at trial so as to give jurisdiction.

*Held* (VANWART, J., dissenting), that the right of abandonment so as to bring a claim within the jurisdiction of the Town of Woodstock Civil Court may be exercised after the issue of the summons, and at the trial.

*A. B. Connell*, Q.C., for plaintiff. *W. P. Jones*, for defendant.

Full Court ]

EX PARTE GORMAN.

[Feb. 4.

*Canada Temperance Act*—Magistrate a ratepayer of town into whose treasury fines are payable.

*Held* (HARRINGTON, J., dissenting, and LANDRY, J., dubitante), that the Stipendiary magistrate of the Town of Moncton is not disqualified from trying complaints for offences against the Canada Temperance Act by reason of his being a ratepayer of the town into whose treasury the fines collected under the Act are payable.

*Ex parte Driscoll*, 27 N.B.R. 216, followed, and *Town of Moncton v. Hebert*, decided Dec. 1897, but not yet reported, overruled.

Rule nisi for certiorari discharged.

*H. C. Hunington* and *D. Grant*, in support of rule. *D. I. Welch* and *W. B. Chandler*, contra.

Full Court.]

EX PARTE GALLAGHER.

[Feb. 4.

*Canada Temperance Act*—*Qui tam* action against magistrate

*Held*, that the fact that a *qui tam* action was pending against the convicting magistrate in a C.T.A. case at the suit of the defendant was a ground of disqualification. Rule absolute for certiorari.

*H. C. Hunington*, and *D. Grant*, in support of rule. *D. I. Welch*, and *W. B. Chandler*, contra.