

apart from the declaration in R. S. O. c. 220, s. 11, s.s. 5, and prohibition was refused. Decision of Robertson, J., affirmed. Ball, Q.C., for appeal; A. Bicknell, contra.

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JOHNSTON v. Allen. Elections—Ontario Election Act, 55 Vic., c. 3, s. 186—D. R. O.—Wilful malfeasance—Penalty. In an action against a Deputy-Returning Officer, by a person aggrieved, to recover a penalty under sec. 106 of 55 Vic. c. 3, for an alleged wilful refusal to allow the plaintiff to vote. Held, that the word wilful in the section means "perverse," or malicious; and although the plaintiff was deprived of his vote by the refusal of the defendant to allow him to deposit a "straight" ballot, and there was thereby a contravention of the Act, yet, as the defendant honestly believed the plaintiff was not qualified and believed in his own power to withhold the ballot. The action failed. *Lewis v. G. W. R. Co.*; 3 Q. B. D. 195 followed. *Walton v. Ap. John*, distinguished. F. H. Keefer, for plaintiff; Watson, Q.C., for defendant.

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REGINA v. Steele. (Meredith, C.J., and Rose, J.—July 13. Justice of the Peace—Summary conviction—Interest—Bias—Relationship to complainant—Costs. Where the convicting justice was the son of the complainant, and the latter

was entitled to half of the penalty imposed, a summary conviction was quashed, on the ground that the justice had such an interest as made the existence of real bias likely, or gave ground for a reasonable apprehension of bias, although there was no conflict of testimony. *The Queen v. Huggins* (1895), 1 Q. B. 563, followed. Dictum in *Regina v. Langford*, 15 O. R. 42, approved. Costs of quashing conviction withheld from successful defendant, where he filed no affidavit denying his guilt or casting doubt upon the correctness of the magistrate's conclusion upon the facts. R. D. Gunn, for defendant; F. E. Hodgins, contra.

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IN Re Hobson v. Shannon. (Boyd, C.—June 8th, 1895.) Divisional Court—Garnishee proceedings—Judgment against garnishee—Motion for new trial after 14 days—R. S. O. c. 51, s.s. 173-199. Where a garnishee, more than two months after judgment obtained against him, was notified for the first time that the debt due from him to the primary debtor had been assigned by the latter to a third party prior to the garnishee proceedings. Held, that the judge in the Division Court, upon the motion for a new trial, had jurisdiction to open up the matter for further investigation, although after the lapse of 14 days. Raney, for primary debtor; W. C. Chisholm, for the garnishee.

THE LAW SCHOOL.

THE Law School, at Osgoode Hall, Toronto, re-opens on Monday, Sept. 23rd, at 9 p.m. The Principal, Mr. Newman W. Hoyles, Q.C., has returned from England, and we are glad to notice an improvement in his health. This year lectures will be given as follows:—

The Principal—First Year Contracts, Second Year Contracts, Torts, Practice and Criminal Law, Third Year Contracts, Torts, and Private International Law.

Mr. Marsh—First and Second Years, Equity and Practice.

Mr. Armour—Real Property in all the years, Third Year Const. Law and History.

Mr. King—Second Year, Evidence and Const. Law; Third Year, Evidence, Criminal Law and Construction of the Statutes.

Mr. Young—First Year, Common Law; Second Year, Personal Property; Third Year, Commercial Law.