

**The**  
**Ontario Weekly Notes**

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VOL. XVI.

TORONTO, JUNE 6, 1919.

No. 12

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APPELLATE DIVISION.

SECOND DIVISIONAL COURT.

MAY 26TH, 1919.

\*REX v. MERCIER.

*Ontario Temperance Act—Magistrate's Conviction for Offence against sec. 41 (1)—Having Intoxicating Liquor upon Unlicensed Hotel Premises—Conviction as for Second Offence—Admission of Evidence of Previous Conviction during Course of Trial—Violation of sec. 96—Effect of, upon Conviction—Directory Provision.*

Appeal by the Attorney-General for Ontario from the order of CLUTE, J., ante 33, quashing the conviction of the defendant.

The appeal was heard by MEREDITH, C.J.C.P., BRITTON, RIDDELL, LATCHFORD, and MIDDLETON, JJ.

J. R. Cartwright, K.C., for the appellant.

J. M. Bullen, for the defendant, respondent.

THE COURT allowed the appeal, following *Rex v. Coote* (1910), 22 O.L.R. 269, and dismissed the motion to quash. Costs of the motion to be paid by the defendant; no costs of the appeal.

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SECOND DIVISIONAL COURT.

MAY 30TH, 1919.

\*CANADA CYCLE AND MOTOR CO. LIMITED v.  
MEHR.

*Contract—Sale of Goods—Construction of Document—Buyers Agreeing to Take Sellers' Scrap for one Year at Fixed Prices—Implied Agreement of Sellers to Furnish Scrap—Damages for Breach.*

Appeal by the plaintiffs from the judgment of CLUTE, J., in favour of the defendants upon their counterclaim, declaring that

\* This case and all others so marked to be reported in the Ontario Law Reports.