laid down for the administration of justice. No opportunity having been afforded to the defendant corporation to be heard, the investigation was not conducted in harmony with the general principle that both sides should be heard; and, on a proper application, the award might be set aside: Cooper v. Wandsworth Board of Works (1863), 14 C.B.N.S. 180, and other cases.

But, although the arbitrator thus erred in the conduct of the investigation, his misconduct could not be pleaded in bar to the plaintiff's action upon the award: Bache v. Billingham, [1894] 1 Q.B. 107, 112, and other cases.

Though liable to be set aside, the award was not void, but good on its face.

The County Court Judge erred in treating the misconduct of the arbitrator as a bar to the plaintiff's claim.

The appeal should be allowed, and judgment should be entered for the plaintiff for $331 with costs of the action and of the appeal.

SUTHERLAND, J., agreed with MULOCK, C.J.Ex.

RIDDELL and MASTEN, JJ., agreed in the result, for reasons stated by each in writing.

Appeal allowed.

HIGH COURT DIVISION.

MEREDITH, C.J.C.P., IN CHAMBERS. OCTOBER 1ST, 1920.

*REX v. LANGLOIS.

*REX v. JOSEPHSON.

Ontario Temperance Act—Seizure of Intoxicating Liquors—Sec. 70—Forfeiture—Evidence—Orders of Magistrate—Motions to Quash.

Motions by the defendants to quash orders made by the Police Magistrate for the City of Windsor declaring the forfeiture of certain cases of bottles of intoxicating liquors, the property of the defendants, pursuant to sec. 70 of the Ontario Temperance Act.

J. M. Bullen, for the defendants.
Edward Bayly, K.C., for the magistrate.