

though there may be some deviations and variations, or even additions, to the work as originally planned by the engineer.

During the construction, certain "extra work and necessities" were recommended by the engineer,

Held, that the by-law providing for them was an amending by-law under s. 573, Consolidated Municipal Act, 1892, and that the township council had power to pass it under that section.

Pegley, Q.C., for the motion.

Atkinson, Q.C., *contra*.

MEREDITH, J.]

[Dec. 13.]

SMITH v. CORPORATION OF THE CITY OF LONDON.

Municipal corporations—By-law limiting hours for sale of intoxicating liquors—Injunction.

Motion to continue an injunction.

Held, that it is not *ultra vires* of a municipal council by by-law to deal with the limitation of the hours during which intoxicating liquors may be lawfully sold.

Semie, if the intended action of the municipal council were clearly *ultra vires*, and if it would be injurious to the rights of the plaintiff as a ratepayer, and if there were no other adequate relief as a remedy, relief by way of injunction may be granted.

C. Moss, Q.C., for the plaintiff.

W. R. Meredith, Q.C., for the defendant.

Common Pleas Division.

Div'l Court.]

REGINA v. STONE.

[Dec. 23.]

Cheese factories—Action to prevent frauds against—Intra vires Dominion Parliament—Information taken and summons issued by interested magistrate—Hearing before another magistrate—Defendant appearing and answering charge—Validity of conviction.

The Act, 52 Vict., c. 43 (D.), an Act to provide against frauds in the supplying of milk to cheese factories, etc., is *intra vires* of the Dominion Parliament.

The justice of the peace before whom the information was laid, and who issued the summons, was claimed to be interested. The hearing, however, took place before and the adjudication and conviction was made by another justice, whose qualification was not attacked, while the defendant pleaded to the charge