

sent is insufficient under the terms of the Act, upon the authority of *Rex v. Breckenridge*, 10 O.L.R. 459, in that the time when, and the place where the offence under the Act is alleged to have been committed are not set out at all in the consent, nor is the particular offence intended to be charged. In the report of said case at p. 461, Meredith, C.J., in delivering the judgment of the Divisional Court, over which he was presiding, says: "The written consent should, in my opinion, at the least contain a general statement of the offence alleged to have been committed, not necessarily in the technical form which would be required in an information or conviction, but mentioning the name of the person in respect of whom the offence is alleged to have been committed, and the time and place, with sufficient certainty to identify the particular offence intended to be charged."

The consent in the present case contains no mention of the time when, or place where any offence under the Act is alleged to have been committed, and the nature of the offence is very indefinitely set forth in the words "in hiring K. Olson and Ed. Olson against the terms of said Act."

I think the case cited is in point, and the conviction must be quashed, upon the ground that no sufficient consent was given to proceedings being taken under the Act.

Having come to this conclusion, I do not think it necessary to deal with the other grounds raised in the notice of motion. The conviction will, therefore, be quashed with costs.

The money paid into Court by way of fine and as security for costs on the appeal, will be paid out to the applicant.

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SHEPARD V. SHEPARD—LATCHFORD, J.—MARCH 31.

*Will—Construction—Line of Division of Farm—Intention of Testator—Leave to Mortgage Devise Lands—Costs.*]—Motion by the executors of Joseph Shepard, in part for the construction of the will of Michael Shepard, who died in 1873, being at the time of his death the owner of 202 acres of lot 17 in the first concession west of Yonge street in the county of York. The main question for decision was whether the testator intended to divide his farm into two parts, equal in area, or into two parts, each conforming to the line between the north and south halves of the lot. The plaintiffs claimed that the latter was the true construction, under which they would be entitled to 103.5 acres,