

not such an interest, by reason of a special grievance, as would entitle her to have the corporation restrained from granting to the defendant L a building lease of part of the lands in question.

*J. T. Small*, for the plaintiffs. *Fullerton*, K. C., and *Chisholm*, for the defendant corporation. *Frank Denton*, K. C., for the defendant Lemon.

Ferguson, J., MacMahon, J.]

[July 18.

McGILLIVRAY v. MUIR.

*Justice of the peace—Penalty—Excessive fee—Information for indictable offence—Pleading—Amendment.*

An information having been laid by the plaintiffs before the defendant, a justice of the peace, for an indictable offence under ss. 210 (2) and 215 of the Criminal Code, over which the defendant had no summary jurisdiction as a justice;

*Held*, that he was not entitled to any fee whatever, and that the plaintiffs, while they were entitled to recover by action the amount of the fee which they paid could not maintain an action under s. 3 of R.S.O. 1897, c. 95, or under s. 902, sub-s. 6, of the Criminal Code, to recover a penalty from the defendant for receiving a larger amount of fees as justice of the peace than he was entitled to.

*Bowman v. Blyth*, 7 E. & B. 26, applied and followed.

It was alleged by the statement of claim that the defendant wrongfully, illegally, and maliciously, and without reasonable or probable cause, demanded from the plaintiffs the sum of \$ , contrary to the Ontario Act. At the trial the plaintiffs were allowed to amend by substituting "wilfully" for "maliciously and without reasonable or probable cause;" and by making an alternative claim under s. 902, s.-s. 6, of the Criminal Code.

*Held*, that the amendments were properly made.

*Idington*, K.C., for plaintiffs. *T. Dixon*, for defendant.

Boyd, C., Ferguson, J., MacMahon, J.]

[July 18.

REX v. LAIRD.

*Intoxicating liquors—Liquor License Act—Powers of license commissioners—Resolution prohibiting game of chance on licensed premises—"Fuchre"—Knowledge of licensee—Conviction—Form—Distress—Imprisonment—Costs.*

A board of license commissioners, under the authority of the Liquor License Act, R.S.O. 1897, c. 245, s. 4, s.-s. 4, passed a resolution "that no gambling or any game of chance whatever for gain or amusement or for any other purpose whatever shall be played about any licensed tavern or other house of public entertainment . . . or on the premises.