

ment of duties, were forwarded by the postmaster to the students. Salaries, etc., were paid by the cashier at Toronto, out of the moneys in his hands.

*Held*, that 63 Vict. c. 24 (o) for licensing of extra provincial corporations, was intra vires the provincial legislature, as coming within s. 92, sub-s. 2 of B.N.A. Act, being a mode of direct taxation within the province, or as relating to the issuing of licenses in order to the raising of a revenue; and that the plaintiffs were carrying on business in Ontario within the meaning of the Act, so as to necessitate their taking out a license, and their omission to do so precluded them from maintaining an action for the recovery of moneys claimed to be due from one of the enrolled students.

*Eyre*, for plaintiffs. *Blackburn*, for defendant. *Cartwright*, K.C., and *Mulvey*, K.C., for the Attorney-General.

Divisional Court.]

REX v. HUDGINS.

[March 1.

*Justice of the peace—Jurisdiction—Delay in issuing summons—Liquor License Act, Criminal Code s. 539—Prohibition—Certiorari.*

By s. 95 of R.S.O. 1897, c. 245, an information for an offence must be laid within thirty days of its commission thereof, and s. 559 of the Criminal Code, the justice upon receiving any complaint or information "shall hear and consider the allegations of the complainant, and, if of opinion that a case for so doing is made out, shall issue a summons," the form of summons given in the schedule referring to the offender as having "this day" been charged, etc.

The offence was committed on the 12th, and the information laid on the 24th of October, but the summons, though dated the 24th of October, was not issued until the 14th of January following. After notice of motion for prohibition had been served on the magistrate, he made his conviction, and on the return of the motion it was agreed that the motion should be deemed, as asking in the alternative for a writ of certiorari.

*Held*, affirming the judgment of *ANGLIN, J.*, that the prohibition would not be granted, but a writ of certiorari was directed to issue.

*Middleton*, for appellant. *Cartwright*, K.C., for the Crown and convicting magistrate.