

a new trial on that ground. *Per* DUBUC, J. This evidence should have been brought in the case in chief and not in rebuttal.

Per DUBUC, J., also. Even if the evidence should in strictness have been received, still that alone would not be sufficient, but the plaintiff must shew that, if it had been received, the jury would have come to a different conclusion.

Per TAYLOR, C.J., and DUBUC, J. In an action of libel the Court will rarely grant a new trial on the ground of weight of evidence, and this is especially the case where the question for the jury was, whether the matter complained of, was, or was not, fair comment on the acts of a public man. (*Martin v. The Manitoba Free Press Co.* . . . 50)

LICENSE.

Must be proved on prosecution for selling liquor during prohibited hours.

See LIQUOR LICENSE ACT.

LIEN NOTES ACT.

Construction of bailment—Right of possession—Chattels other than manufactured goods.]—A promissory note given for the price of a horse provided that the title, ownership, right of property and right of possession in the property for which the note was given should remain in the vendor or holder of the note, until the note should be fully paid.

Held, that this instrument was neither a receipt note, nor a hire receipt, nor an order for chattels within the meaning of The Lien Notes Act, R. S. M. c. 87, s. 2,

and that an endorsee of the note was entitled to the horse as against an innocent purchaser for value.

Semble. The above mentioned statute does not make all receipt notes, hire receipts and orders for chattels mentioned in it, except those taken for manufactured goods having the manufacturer's name or some other distinguishing name painted or printed thereon, invalid and void as against purchasers in good faith. *Sutherland v. Mannix*, 541.

LIMITATIONS.

Statute of.

See STATUTE OF LIMITATIONS.

LIQUOR LICENSE ACT.

Conviction—Selling liquor during prohibited hours—Proof of license—Amendment of conviction.]—In order to convict of the offence of selling intoxicating liquors during prohibited hours under section 143 of the Liquor License Act, R.S.M. c. 90, it is incumbent on the prosecution to prove that the defendant held a license for the premises where the liquor was sold, or that the premises were licensed premises.

On a motion to quash a conviction, for selling during prohibited hours, where the existence of a license is not proved, the Court will not amend the conviction under R. S. M. c. 90, s. 209, so as to make it one for selling without a license. *Regina v. Williams*, 342.

Quashing local option by-law.

See MUNICIPALITY, 4.