The advantages suggested in the letter were recited in the award, which gave compensation on the basis proposed in the first instance by the company, but the letter was not communicated to the owner of the land till award was made, which was not signed by his arbitrator. The award was held bad, notwithstanding the arbitrator's sworn testimony that they were uninfluenced by the letter in question.

Rose, J.]

REG V. RODWELL.

Selling liquor without license.

Proceedings must have been taken for a first offence in order to legalize convictions with increased penalties for a second and third offence under the Liquor License Act, sec. 52.

The punishment for contravention of sec. 43 is either imprisonment with hard labour or fine; and if the fine be not paid or recovered, the punishment is imprisonment without hard labour.

V. McKenzie, Q.C., for application.

Delamere, contra.

Rose, J.]

REGINA V. YOUNG.

A conviction under secs. 51 and 46, of the Liquor License Act, held bad for not showing for which offence penalty imposed, as also the locality of the offence.

V. McKenzie, Q.C., for application.

Delamere, contra.

PRACTICE.

Proudfoot, J.] [January.

CLARK V. LANGLEY.

Objections to title—Jurisdiction of Master.

By an agreement for the sale of certain land, the vendor was to give a good marketable title of which the purchaser was to satisfy himself at his own expense and was not to call for any abstract title deeds or evidences of title other than those in vendor's possession.

Subsequently, on a reference in a suit by the vendor for specific performance, the defendant filed three objections to the title having reference to a small portion of the land, which were answered by the plaintiff, and the reference was proceeding when the defendant applied and obtained from the Master leave to file five other objections.

On appeal, PROUDFOOT, J. held that the Master in Ordinary had no jurisdiction to grant the defendant such leave, but on a subsequent application to the Court he gave the leave required.

Moss, Q.C., and *H. D. Gamble*, for the plaintiff.

Maclennan, Q.C., and *Langton*, for defendant.

Chan. Div.] [Feb. 26.

WANSLEY V. SMALLWOOD.

Divisional Court—Appeal to—Judgment on further directions.

An appeal from the judgment of PROUDFOOT, J., pronounced in Court upon further directions, was set down upon the list of cases for hearing before the Divisional Court, Chancery Division.

25th February, 1884. *Richards*, Q.C., supported the appeal.

Walter Read, contra, objected that the Court had no jurisdiction to entertain it.

Richards, Q.C., argued that a hearing on further directions was in effect a continuation of the trial, and a judgment pronounced upon the trial could be appealed to the Divisional Court under S.C. Rule 510.

26th February, 1884,

BOYD, C.—The Judicature Act and rules make a plain and express distinction between the various modes of trial, and the trial before a referee is dealt with as a different thing from that before a Judge. (See sec. 46 and 47, and rules 277, 316 and 317). In this case the action was by consent of the parties not tried in the usual way, but the whole was referred to the Master, reserving F. D. and costs. After the Master's report was absolute it again came up in Court upon further directions before PROUDFOOT, J., who pronounced the judgment now in appeal. This is not, in my opinion, to be regarded as the trial of an action before that Judge under R. 317, or the substituted later rule, 510. If such a construction debared either party from the right of appeal, perhaps such an extreme latitude of construction as was contended for by Mr. Richards might be admitted, but there is always the right to go