An application by the defendant to quash a conviction made by two Justices of the Peace, for the county of Lennox and Addington, under sec. 13 of 2 Geo. V., ch. 55, for being found upon a street or in a public place—in a municipality in which a by-law passed under sec 141 of The Liquor License Act was in force—in an intoxicated condition owing to the drinking of liquor.

J. B. Mackenzie, for the defendant, contended that the Legislature had no power to enact sec. 13, and "the offence could not be made to exist in local option territory or there alone."

J. R. Cartwright, K.C., for the Crown, contra.

HON. MR. JUSTICE KELLY:—The above objection taken by Mr. Mackenzie, is answered by *Hodge* v. *Regina*, 9 A. C. 117.

On the further objection that it was not proven that defendant's condition was owing to the drinking of liquor, and that there was no valid and sufficient evidence to prove the offence, the defendant must fail. There was evidence on which the convicting magistrates might have convicted, and, as said in *Reg.* v. *St. Clair*, 3 Can. Crim. Cas. 551, they were the judges of the weight to be attached to it.

Though in the notice of motion exception was taken that no by-law under sec. 141 was in force in the municipality in question, counsel for the defendant on the argument stated that he did not then raise any objection to the by-law. It is, therefore, not necessary to consider that objection.

One other exception was taken to the conviction, namely, that the information and the conviction charge two offences, and the evidence was not confined to one offence.

Both the information and the conviction follow the language of the section under which the conviction was made; and, following *Rex* v. *Leconte* (1906), 11 O. L. R. 408, that is all that is required.

As all the objections fail, I dismiss the defendant's application with costs.