

COURT OF GENERAL SESSIONS, COUNTY OF HALDIMAND.

Snider, Co. J.]

COLLINS v. HORNING.

[June 20.

*Agricultural fairs—Exhibition prizes—Horse racing—Classification—Fraudulent entry—Ontario statute respecting—Validity of—Amendment of conviction on appeal—Costs of conveying to gaol—R.S.O. 1897, c. 254—R.S.O. 1897, c. 90, s. 4—2 Edw. VII. (Ont.), c. 12, s. 15.*

Appeal from a conviction by a Justice of the Peace under c. 254, R.S.O., being an Act to prevent the fraudulent entry of horses at exhibitions.

*Held*, 1. The Ontario statute respecting the fraudulent entry of horses at exhibitions is one regulating the rights between individuals by preventing unfair competition, and is intra vires of the provincial legislature.

2. The statute applies whether or not the horse entered at the exhibition has a previous "record" of speed or not, and a classification of the horses by their age is within the Act.

3. Where the costs and charges of conveying to gaol are imposed in case of non-payment of the fine under the Ontario Summary Conviction Act, the amount thereof must be stated in the conviction; but a conviction improper in that respect may be amended under 2 Edw. VII. (Ont.) c. 12, s. 15, upon an appeal, by striking out the award of such costs.

*Du Vernet* for appellant. *Arrell* for respondent.

Province of New Brunswick.

SUPREME COURT.

Barker, J.]

ROBERTSON v. KERR.

[Aug. 18.

*Practice—Re-opening decree.*

Defendant K., an auctioneer, advertised at the instance of the defendant M. certain land for sale at public auction claimed by the plaintiff and M. This suit was brought for an injunction restraining the sale, and for a declaration of title, an interim injunction was granted. An ejectment action was also brought by the plaintiff against M. in respect of the same land, and judgement therein was given for the plaintiff. The defendant appeared by the same solicitor and joined in their answer in this suit. At the hearing a decree was made against the defendants with costs. K. now applied for a re-hearing to vary the decree so far as it ordered him to pay costs, alleging that since putting in his answer he had had nothing to do with the conduct of the suit, believing himself to be but a nominal defendant, and his co-defendant to be responsible for the defence.

The application was refused.

*Allen*, K.C., for applicant.