QUEEN'S BENCH.

IN BANCO—JUNE 25.

REG. V. HODGE.

Liquor License Act—Power of Local Legislature.

The defendant was convicted of selling liquor to a child under 14 years of age, and of permitting a game of billiards to be played during prohibited hours on Saturday evening. An application was made to quash the conviction on the grounds, that the resolutions passed by the License Commissioner for the purpose of regulating the conduct of taverns were entirely in excess of their authority; that they claimed to derive their authority from the Ontario Government, and he urged that that assembly being the outcome of the British North America Act, had no power to delegate to others the power which they had in themselves.

Held, that the convictions on both charges were bad, and a rule was made absolute to quash them. The Court considered that the Ontario Legislature had no power to delegate to these commissioners the right to create new offences, whereon to convict for infringement of them.

J. K. Kerr, Q. C., for the defendant.
Fenton, for the Crown.

REG. V. FRAWLEY.

The defendant was convicted for selling liquor without a license, and sentenced to imprisonment with hard labour. A rule *nisi* was granted to quash the conviction on the ground that the Ontario Legislature had no power to impose hard labour with imprisonment, or in fact at all. That its jurisdiction was only to the extent of imprisonment and nothing more.

Held, that the conviction was bad, as the Ontario Legislature are not vested with the power to impose hard labour. They derive their right to punish offences from sec. 92, clause 15, of the British North America Act, which provides "for the imposition of punishment by fine, penalty, or imprisonment, for enforcing any law of the Province made in relation to any matter coming within any of the classes of subjects enumerated in the section." This, however, contains no provision as to hard labour, which is a matter *ultra vires*.

Osler, for the defendant.
Hodgins, Q. C., for the Crown.

GRAY V. TAIT.—Rule *nisi* discharged.

BAILLIE V. DICKSON.—Rule absolute for a new trial without costs.

QUEEN *ex rel.* CLANCY V. MACKINTOSH.—Rule absolute, setting aside the election of defendant with costs, and for a new election.

WOOD V. THOMPSON.—Rule discharged with costs, Cameron, J., dissenting.

SMITH V. KEOWN.—Rule absolute tor a new trial without costs.

WALTON V. YORK.—Rule discharged with costs.

HAMILTON V. HARRISON.—Rule absolute for a new trial without costs.

TAYLOR V. MCMILLAN.—Rule absolute to enter a verdict for plaintiff for $300, with full Queen's Bench costs.

NEWMAN V. SHANLY.—Rule discharged.

DREW V. EAST WHITBY.—Rule absolute to enter a nonsuit.

PARRY V. HALLIDAY.—Rule absolute for a new trial, to be tried by a judge, costs to abide the event.

HOWIE V. KENT.—Rule absolute for a new trial, without costs.

LAING V. ONTARIO L. AND S. CO.—Rule absolute to enter a verdict for plaintiff for $289, declaration to be amended.

FISHER V. GEORGIAN BAY CO.—Rule absolute to set aside verdict on the first count, without costs.

WATSON V. MACDONALD.—Rule discharged.

BARR V. BRANTFORD.—Rule discharged.

GRIFFIN V. MCKENZIE.—Rule discharged with costs.

QUEEN V. COLEMAN.—Rule discharged with costs, Cameron, J., dissenting on one of the points raised.

GREENMAN V. WHITE.—Rule absolute for a new trial by a judge without jury, costs to abide the event.

(These cases will be more fully noted hereafter.)

VACATION COURT.

Armour, J.] [June 21.

IN RE ALBERMARLE & EASTNOR.

Municipal act, sec. 383—Award.

Sec. 383 of the Municipal Act is imperative,