

F. H. Thompson, K.C., for the defendant.

J. R. Cartwright, K.C., for the Attorney-General for Ontario.

The Attorney-General for Canada was notified, but did not appear.

SUTHERLAND, J., in a written opinion, said that it was contended that the whole of the Liquor Act is superseded wherever the Canada Temperance Act is brought into force; that sec. 141 purported to create a new crime—thus invading the Dominion jurisdiction: B.N.A. Act, sec. 91(27); and *The Queen v. Hodge* (1882), 7 A.R. 246, 247, *Hodge v. The Queen* (1883), 9 App. Cas. 117, and *Russell v. The Queen* (1882), 7 App. Cas. 829, 839, were cited. He was not able to see, however, that sec. 141 conflicted with anything in the Canada Temperance Act. Reference to *Attorney-General for Ontario v. Attorney-General for the Dominion*, [1896] A.C. 348; *Hodge v. The Queen*, 9 App. Cas. at p. 131; *Regina v. Stone* (1892), 23 O.R. 46, 49; *Regina v. Wason* (1890), 17 A.R. 221, 241.

It was argued that sec. 141, as amended, must be read in the light of secs. 139 and 140, and applied only to cases coming under those sections; but the argument ignored the provisions of the Act respecting the Revision and Consolidation of the Statutes of Ontario, 3 & 4 Geo. V. ch. 2, sec. 9(4), as to the effect of marginal notes and headings.

It was also argued that the matter dealt with by sec. 141 was a matter of municipal regulation: but it is the Province which gives a municipality its powers.

The learned Judge's opinion was, that sec. 141, as amended, was *intra vires* of the Ontario Legislature and had not been superseded by the Canada Temperance Act; and that the motion on all grounds must be dismissed, and with costs.

---

STOTHERS v. BORROWMAN—LATCHFORD, J.—JUNE 14.

*Appeal—Master's Report—Judgment—Costs.*—An appeal by the plaintiff from the report of the Local Master at London. The appeal was heard at the London Weekly Court. The learned Judge, in a brief memorandum, said that, upon consideration, he entirely agreed with the findings of fact and conclusions of law of the Master, stated in his written reasons. The appeal should be dismissed, and there should be judgment in accordance with the report, with costs of the trial, reference, and appeal to the defendant. P. H. Bartlett, for the plaintiff. R. G. Fisher, for the defendant.