

21 O.R. 642, and was argued before HAGARTY, C.J.O., BURTON, OSLER, and MACLENNAN, JJ.A, on the 20th and 21st of October, 1892.

Hoyles, Q.C., and C. W. Colter for the appellants.

Furlong for the respondent.

At the conclusion of the argument the appeal was dismissed with costs, the court seeing no ground for interfering with the judgment appealed from.

HIGH COURT OF JUSTICE.

Chancery Division.

ROBERTSON, J.] [Sept. 24.

IN RE HARTE & THE ONTARIO EXPRESS AND
TRANSPORTATION COMPANY.

*Dominion Winding-up Act, s. 56—Dominion
and Provincial laws—Claim under Quebec
law.*

Held, that there is nothing in s. 56 of the Dominion Winding-up Act which alters or interferes with the *lex loci contractus*, and therefore in the case of a lease entered into in Montreal, where the Quebec law provided that, on the insolvency of the lessee, the rent not yet exigible by the terms of the lease should become so by reason of the insolvency of the tenant, a claim for the whole rent to the end of the term must be allowed to the lessors in these liquidation proceedings, which were being carried on under the said Dominion statute.

Maclaren, Q.C., for the New York Piano Co.
Hoyles, Q.C., for the liquidator.

Common Pleas Division.

Div'l Court.] [June 27.

REGINA v. RAWSON.

Auctioneers—Assignee of bankrupt estate compellable to take out license under by-law passed under s. 495 of the Municipal Act—Conviction—License fee not imposition of tax.

Where an assignee of a bankrupt estate put up and sold by auction the goods thereof, being the only occasion on which he so acted within the county, he was held to come within the

terms of a county by-law passed under s. 495 of the Municipal Act, R.S.O., c. 184, prohibiting persons acting as auctioneers in the county without being duly licensed therefor, and was therefore properly convicted thereunder.

Per ROSE, J.: The fixing by the by-law of a sum of \$25 to be paid for the license to so sell is within the power given to the municipality to regulate and license.

Shepley, Q.C., for applicant.

Pepler, Q.C., contra.

REGINA v. BUTLER.

Municipal law—By-law passed by police commissioners for licensing omnibuses, etc.—Restriction limited to owners and not to drivers—R.S.O., c. 184, s. 436.

A by-law passed under s. 436 of the Municipal Act, R.S.O., c. 184, by the police commissioners of a city, enacted that no person or persons should drive or own any omnibus, etc., without being licensed so to do.

Held, that this only applied to the owner and not to driver of such omnibus, etc.

Ryckman for the applicant.

Langton, Q.C., contra.

REGINA v. RHODES.

Criminal law—Forgery—Interest of witness—R.S.C., c. 174, s. 2—Construction of.

On the trial of an indictment for uttering a forged note, evidence in proof of the note being forged was given by E., who had no interest therein. Evidence in support of the uttering was also given by J. H. (the wife of R.H.), to whom the note was given, who was in attendance in her husband's shop and as his agent.

Per MACMAHON, J.: The note having been proved to be a forgery by a person having no interest therein, the question whether the wife's evidence should be corroborated on the ground of interest would not arise under s. 218 of The Criminal Procedure Act, R.S.C., c. 174.

Per ROSE, J.: The wife had no interest in the forged document; her interest, if any, was to prove its genuineness, but in any event there was abundant corroborative evidence.

Murdoch for the prisoner.

Cartwright, Q.C., contra.