

I do not think the second and third objections are well taken.

As to the fourth ground, it does appear from the information that Hugh Walker is a license inspector, and the amended conviction declares that the fine imposed shall be paid and applied according to law. This, I think, is quite sufficient.

It is true that the amendment does not conform to the conviction, because the conviction does not state the costs and charges of conveying the prisoner to the common gaol. But this, I think, is no ground of objection. The amount for conveying him to the common gaol is stated in the commitment, which is, I think, sufficient.

The last point mentioned in the notice of motion was not argued except as covered by the other points.

Although the conviction as it stands cannot, I think, be supported, for the reason that it does not disclose upon its face, what was undoubtedly the fact, that the magistrates were acting at the request of the police magistrate, yet the prisoner ought not to be discharged, but should be detained under the commitment, and the conviction should be amended under the Liquor License Act, sec. 105, which, I think, was passed to cover a case of this kind.

[Setting out sub-secs. 1 and 2.]

In my opinion, the proper order to be made is, that this Court directs that the prisoner be further detained under the present proceedings, and that the magistrates before whom he was convicted do amend the conviction that it may shew upon its face that the magistrates acted at the request of the police magistrate.

---

BROWN v. GILBREATH—RIDDELL, J.—MAY 9.

*Dismissal of Action—Con. Rule 434.*—Motion by the defendant to dismiss the action for want of prosecution. Order dismissing the action under Con. Rule 434, with costs, including all costs reserved. J. J. Gray, for the defendant. No one appeared for the plaintiff.

---

RE SOVEREIGN BANK AND KEILTY—DIVISIONAL COURT—MAY 9.

*Mortgage—Collateral Security—Exercise of Power of Sale—Demand—Vendor and Purchaser.*—An appeal by the purchaser from the order and decision of TETZEL, J., ante 456, upon an