

2. Notwithstanding s. 127 of the N.S. Liquor License Act a case may be stated by a stipendiary magistrate to the Supreme Court in respect of a question of law arising on a prosecution under the Act.

T. Notting, for prosecutor. *W. B. A. Ritchie*, K.C., for defendant.

Weatherbe, Ritchie, Townshend, J.J.]

[Nov. 23, 1903.

THE KING *v.* OLAND (No. 2).

Liquor License — Brewers and distillers — "License sign" over doors not required—R.S.N.S. 1900, c. 100, ss. 14, 56.

Brewers licensed as such under the N. S. Liquor License Act are not subject to the regulation (s. 56) requiring a "license sign" to be exhibited over the door of the premises.

T. Notting, for prosecutor. *W. B. A. Ritchie*, K.C., for defendant.

Province of New Brunswick.

COUNTY COURT OF ST. JOHN.

Carleton, Co. J.]

THE KING *v.* LITTLEJOHN.

[Sept. 13.

Prize fight—Offence of engaging in, as a principal—"Sparring" exhibition—No intent to continue contest until one incapacitated—Cr. Code, ss. 92, 97.

1. A sparring match with gloves, under Queensberry or similar rules, given merely as an exhibition of skill and without any intention to fight until one is incapacitated by injury or exhaustion, is not a "prize fight" under Code section 92.

2. To constitute a "prize fight" there must have been a previous arrangement for a "fight" in the ordinary sense of the term, and that involves an intention to continue the encounter until one or the other of the combatants gives in from exhaustion or from injury received.

E. S. Ritchie, for accused. *Skinner*, K.C., for prosecution.