tion of the house. The Court was of opinion that in the face of such facts it could not be said there was no evidence to support the charge.

I think in the present case there was evidence from which the magistrate might draw the conclusion of guilt, and on which he might have convicted; on that ground the conviction must be sustained.

Then as to the other ground, that of excessive penalty and the magistrate's amendment of the conviction, the amendment was made so as to bring the penalty within what is authorized by the Criminal Code, namely the payment of $100 (which includes costs), and in default of payment imprisonment for six months.

If the magistrate had the power to make the amendment, the defendant's objection is not well taken; but, assuming he had not that power, the liberal powers of amendment given by the Code enable the Court to amend in cases such as this; and I, therefore (if it be necessary), now amend the conviction of the accused, Georgina Marcinko, made on April 10th, 1912, by substituting for the words "($200.00) two hundred dollars besides costs," in such conviction, the words "($100.00) one hundred dollars." This $100 includes costs. The conviction being so amended, I dismiss the defendant's application, but without costs.

HON. MR. JUSTICE KELLY. JULY 27TH, 1912.

REX v. RIDDELL.

3 O. W. N. 1628.

Intoxicating Liquors—Liquor License Act—Amending Act, 2 Geo. V. c. 55, s. 13—Intra Vires—Conviction of Person Found Drunk in Local Option Municipality—Jurisdiction of Magistrates.

Motion to quash conviction of defendant under 2 Geo. V. c. 55, s. 13, for being found upon a street or public place in a municipality in which a by-law passed under s. 141 of the Liquor License Act was in force, in an intoxicated condition owing to the drinking of liquor.

KELLY, J., *held*, that the Legislature had power to enact the section in question.

Hodge v. *R.*, 9 A. C. 117, followed.

That if the information and the conviction follow the language of the section under which the conviction is made that is all that is required.

R. v. *Leconte*, 11 O. L. R. 408, followed.

Application dismissed with costs.