

section draws a clear distinction between obstructing or resisting public and peace officers in the execution of their duties, or persons acting in the lawful execution of process, and a distress or seizure by a private person such as a landlord or his bailiff or agent.

It has always been lawful for a tenant, before the goods seized under a distress warrant have been impounded, to resist their seizure, or to rescue them if there was no rent due: *Bevil's Case*, Co. Rep. part IV., 11a; *Gilbert on Distress*, 4th ed. (1823), p. 61; *Bradby on Distress*, 2nd ed. (1828), pp. 193, 195; *Am. & Eng. Encyc. of Law*, 2nd ed., vol. 9, p. 656, and cases there cited; *Rex v. Bradshaw*, 7 C. & P. 233, 236; *Regina v. Brennan*, 6 Cox C. C. 387; *Russell on Crimes*, vol. 1, p. 411.

The conviction must be quashed and the prisoners discharged. It is not a case for granting a new trial.

MACLENNAN, J.A., gave reasons in writing for the same conclusion.

MOSS, C.J.O., GARROW and MACLAREN, J.J.A., concurred.

OCTOBER 26TH, 1903.

C.A.

REX v. CARLISLE.

Constitutional Law—Ontario Liquor Act, 1902—Intra Vires—Conditional operation—Proclamation of Lieutenant-Governor—Delegation of Legislative Power—Sec. 91 of Act—Prevention and Punishment of Corrupt Practices—Appointment of Judges to try Offenders—Delegation—Trial by Jury—Conviction for Personation—Sentence—Penalty—Imprisonment—Jurisdiction—Place of Trial—Intituling of Conviction—Name of Informant—Date of Trial—Costs—Taxation—Warrant of Commitment.

An appeal by the prisoner from an order of BRITTON, J., dismissing a motion for discharge upon the return of a writ of habeas corpus.

The prisoner was charged with the offence of personation in connection with the vote taken under the Liquor Act, 1902, on the 4th December, 1902. The act charged was the applying to a deputy returning officer, at a polling place in the city of Toronto, for a ballot paper in the name of a person other than himself.

He was summoned at the instance of the County Crown Attorney for the county of York, and appeared before the Judge of the County Court of Ontario, who had been designated by the President of the High Court of Justice, under sec. 91 of the Liquor Act, 1902, to conduct the trial of the prisoner and