

SECOND DIVISIONAL COURT.

MARCH 17TH, 1916.

*REX v. GAGE.

Liquor License Act—Conviction—Imprisonment—Refusal of Motion on Habeas Corpus for Discharge of Prisoner—Appeal—Condition Precedent—Certificate of Attorney-General—R.S.O. 1914 ch. 215, sec. 113(1).

Appeal by the defendant from the order of LATCHFORD, J., ante 13, refusing to discharge the defendant from custody.

The appeal was heard by GARROW, J.A., RIDDELL, LENNOX, and MASTEN, JJ.

J. B. Mackenzie, for the appellant.

J. R. Cartwright, K.C., for the Crown.

THE COURT held that, in the absence of a certificate from the Attorney-General, as provided in the Liquor License Act, R.S.O. 1914 ch. 215, sec. 113(1), the appeal could not be entertained.

Rex v. Graves (1910), 21 O.L.R. 329, approved.

SECOND DIVISIONAL COURT.

FEBRUARY 18TH, 1916.

*RE J. F. BROWN CO. AND CITY OF TORONTO.

Municipal Corporations—Erection of Urinal upon Public Street—Injury to Property Abutting on Street—Depreciation in Value—Liability of Municipal Corporation to Make Compensation—Arbitration and Award—Municipal Act, R.S.O. 1914 ch. 192, secs. 325, 406(8).

Appeal by the Corporation of the City of Toronto from an award of the Official City Arbitrator awarding the J. F. Brown Company \$10,200 in full satisfaction for injury to the company's property on the south side of Queen street east, at the corner of Parliament street, upon which the company carried on the business of a departmental store, by the erection and user of a public lavatory and urinal upon Parliament street, near the company's property. The company also appealed from the award, seeking to increase the amount.

The appeals were heard by MEREDITH, C.J.C.P., RIDDELL, LENNOX, and MASTEN, JJ.

Irving S. Fairty, for the appellants.

G. W. Mason and F. C. Carter, for the respondents.