

ing that a plaintiff is at liberty to recover a personal judgment without prejudice to a proceeding under the Mechanics' Lien Act, either contemporaneous or subsequent thereto.

THE MASTER referred to Robertson v. Bullen, 13 O. W. R. 56, and said that, after consideration, he was of opinion that Mr. Mowat was right in his view. The remedies under the two proceedings were quite different. In the personal action there may be a much more speedy recovery, as trials under the Mechanics' Lien Act are often long drawn out, and there may be an appeal to a Divisional Court. The proceedings under the Act are also complicated by the claims of other lien-holders, and it is only after a sale in some cases that a plaintiff receives a dividend on his claim and a personal judgment for the deficiency.

Motion dismissed; costs in the cause, the point being a new one.

RIDDELL, J., IN CHAMBERS.

OCTOBER 1ST, 1909.

REX v. VAN NORMAN.

*Municipal Corporations—County By-law Requiring Hawkers and Pedlars to be Licensed—Magistrate's Conviction for Breach—Municipal Act, 1903, sec. 583 (14)—Bona Fide Servant or Employee of Manufacturer — Burden of Proof — Finding of Magistrate—Uncontradicted Evidence—Review on Motion to Quash Conviction—Sale to Retail Trader—"Hawkers"—Evidence Disclosing only one Sale—Going from Place to Place—Validity of By-law—License Fees Specified for Certain Classes of Persons—Proviso in Respect of Towns in County—Penalty—Division of—Reward for Securing Conviction—Costs.*

Motion to quash a conviction of the defendant.

The defendant and others were tried before a justice of the peace upon informations charging a violation of by-law 726 of the county of Grey by selling stoves and ranges without a pedlar's license.

The by-law was in part as follows:—

1. No person shall within the county of Grey act as a pedlar, hawker, or petty chapman, or carry on petty trades, or go from place to place or to other men's houses on foot or with any animal bearing or drawing any goods, wares, or merchandise for sale . . . without having first obtained a license to do so, in the manner hereinafter mentioned.

Provided always that no such license shall be required for hawking, peddling, or selling from any vehicle or other conveyance any goods, wares, or merchandise, to any retail dealer, or for