

should be erected, etc., it would have been impartial in application. For such an enactment or resolution a precedent may be found in an Act of the legislature of Prince Edward Island, passed in 1892, enacting police regulations concerning the drink traffic in Charlottetown, some of which were that the places in which liquor was sold must be a front room with large windows, facing the street; that such place must have but one door, and that to open on the public street; that there should be no screen or curtain at the window, and no stalls or other partitions within the place. This enactment was made for a city in which there was neither prohibition nor license: Had the resolution now under consideration been framed similarly it would have affected all equally and been impartial in operation.

It is not out of place to observe that owing to four of the licensed houses being free from possibility of compliance with the resolution, the community does not as to those obtain what the learned police magistrate appears to have considered would be the beneficent effects of the resolution, viz., opportunity for readily observing "from the street whether the licensee is, or is not, selling contrary to law."

See *London & Brighton R. Co. v. Watson*, L.R. 4 C.P.D. (1879) 118; *Dyson v. London & N.W.R. Co.*, L.R. 7 Q.B. (1881) 32; *Saunders v. South Eastern R. Co.* L.R. 5 Q.B.D., 463; *Alty v. Farrell*, L.R. 1 Q.B.D. (1896) 636; *Hank v. Bridgman*, ib. 253; *Lowe v. Volp*, ib. 256; *Simmons v. Malting Rural District Council*, L.R. 2 Q.B. (1897) 433; *Ken-naird v. Corry & Son*, L.R. 2 Q.B. (1898) 586. *Elwood v. Bullock*, 6 Q.B. 383; Ad. & El. N.S., 383. *Jonas v. Gilbert*, 5 S.C.R. 356.

The appeal is allowed and the conviction quashed.

Province of Nova Scotia.

SUPREME COURT.

Full Court.]

KING v. KING.

[March 8.

Court of divorce and matrimonial causes—Jurisdiction of Judge Ordinary—Restitution of conjugal rights—Alimony pendente lite—Constitution of Appeal Court—Act of 1886, c. 49, s. 3, held intra vires, provincial legislature.

The jurisdiction of the Court for Divorce and Matrimonial Causes extends to all matters relating to prohibited marriages and divorces and includes the same powers in respect of, or incidental to divorce or matrimonial causes, as are possessed by the Court in England, except as enlarged, abridged, altered, or modified, by the laws of this province. The Judge in Ordinary has power to hear and decide a suit for restitution of conjugal rights, and has also jurisdiction, if necessary, to grant alimony pendente lite. An appeal from the order of the Judge in Ordinary, granting alimony pendente lite, was heard before four Judges of the Supreme Court, not including the Judge in Ordinary.