

Even assuming that the by-law is valid, the conviction does not shew that the defendant was not a person passing through the town, and therefore not within the by-law; and (2) imprisonment with hard labour is imposed in default of payment of the fine, &c. This, as is shewn in the well-considered case of *Regina v. Frawley*, 45 U. C. R. p. 229, is *ultra vires* of the local Legislature, by which the Act was passed which conferred the authority to make the by-law in question

*Conviction quashed.*