

pool or bagatelle table." The principal contention on behalf of the applicant was that the by-law was ultra vires because it relates to Sabbath observance, and was evidently passed in order to secure the observance of Sunday, and the case of *Attorney-General for Ontario v. Hamilton Street Railway Co.* (1903) A.C. 524 was relied on.

Held, that the provision of the by-law objected to was not ultra vires either of the municipal council or of the legislature.

Neither the by-law nor the provision of the Municipal Act makes any reference to Lord's Day observance.

To the power of licensing pool rooms is added the form of regulating and governing them and, therefore, the power of determining the manner in which the license is to be enjoyed, and this includes the conditions as to time and otherwise under which the licensee is to have the benefit of the license.

It is not necessary to investigate and consider what reasons may have induced the council to impose upon the licensee the condition that his pool or billiard room shall not be opened during a certain day of the week any more than during certain hours of the day. The reasons may be surmised, but that is not a ground for declaring the by-law to be bad when there is nothing on its face indicating what such reasons may be.

Butcher, for applicant. *Phippen*, for Village of Carman.

Province of British Columbia.

SUPREME COURT.

Full Court.] LEE v. CROW'S NEST PASS COAL CO. [June 7.

Workmen's Compensation Act, B.C. Stat. 1902, c. 74, sched. 2 and 4—Arbitrator appointed by Supreme Court judge—Appeal.

Appeal by the employers from the award of an arbitrator appointed by a judge of the Supreme Court under Clause 2 of the second schedule to the Workmen's Compensation Act, 1902. The arbitrator heard the case and made an award of \$1,500 in favour of the applicant.

Held, that no appeal lay.

E. P. Davis, K.C., for appellants. *J. A. Macdonald*, K.C. contra.