

The case was heard by MEREDITH, C.J.C.P., RIDDELL, LENNOX, and MASTEN, JJ.

H. H. Dewart, K.C., for the defendant.

Edward Bayly, K.C., for the Crown.

MEREDITH, C.J.C.P., delivering the judgment of the Court, said that counsel for the defendant had placed the case very fairly before the Court. The whole question was whether the giving of the ticket was the giving of a "premium," within the meaning of sec. 335(u).

The person to whom the ticket was given was a purchaser of goods; and it was given to him as such, and to be of some advantage to him. It was not given to him as something that was worthless. If it was of any advantage to him, it was a "premium." Obviously it must have been considered by both parties to the transaction as such; and obviously it was, because it gave to the buyer a right to contest for, and to aid himself in the contest for, a prize, or to aid some one else in that contest, and also to sell his rights under the ticket.

The case was well within both the letter and the spirit of the enactment upon which the conviction was based.

*Conviction affirmed.*

SECOND DIVISIONAL COURT.

FEBRUARY 18TH, 1916.

\*BEAMISH v. GLENN.

*Nuisance — Noxious Trade — Injury to Neighbour's Property — Local Standard of Neighbourhood — Effect of Municipal By-law and Permit — Findings of Fact of Trial Judge — Appeal — Injunction — Form of Judgment — Stay of Operation.*

Appeal by the defendant from the judgment of SUTHERLAND, J., ante 199.

The appeal was heard by MEREDITH, C.J.C.P., RIDDELL, LENNOX, and MASTEN, JJ.

W. N. Tilley, K.C., and H. A. Newman, for the appellant.

T. H. Barton, for the plaintiff, respondent.

MEREDITH, C.J.C.P., delivering judgment, said that the learned trial Judge had found that the carrying on of the de-

\*This case and all others so marked to be reported in the Ontario Law Reports.