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No. 8

APPELLATE DIVISION.

SECOND DIVISIONAL COURT.

APRIL 28TH, 1919.

*TORONTO GENERAL HOSPITAL TRUSTEES v.
SABISTON.

Landlord and Tenant—Agreement for Lease—Rent to be Fixed by Arbitration—Liability of Tenant to Pay as soon as Rental Fixed—Liability Continuing until Forfeiture of Lease—Recovery in Action of Sum Representing Rental and Unpaid Taxes with Abatement.

Appeal by the defendant from the judgment of MIDDLETON, J., 15 O.W.N. 333.

The appeal was heard by MEREDITH, C.J.C.P., BRITTON, RIDDELL, and LATCHFORD, JJ.

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

H. D. Gamble, K.C., for the plaintiffs, respondents.

THE COURT dismissed the appeal with costs.

SECOND DIVISIONAL COURT.

APRIL 29TH, 1919.

*REX v. SPENCE.

Prohibition—Police Magistrate—Jurisdiction—Information Laid under Order in Council Made pursuant to War Measures Act, 1914, 5 Geo. V. ch. 2—Alternative Methods of Trial—Summary Proceedings under Part XV. of the Criminal Code or by Indictment—Construction of secs. 6 and 10 of Act—Authority for Order in Council—Intra Vires—Election of Crown to Proceed before Magistrate—Power of Court to Prohibit Magistrate—Discretion.

Appeal by the defendant from the order of MASTEN, J., ante 142, refusing prohibition.

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

15—16 O.W.N.