

624, dismissing a motion to quash a local option by-law, was dismissed by a Divisional Court (MEREDITH, C.J.C.P., TEETZEL and MIDDLETON, JJ.). J. Haverson, K.C., for the appellant. W. E. Raney, K.C., for the village corporation.

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DURYEA V. KAUFMAN—MASTER IN CHAMBERS—MAY 17.

*Pleading—Statement of Claim—Amendment—Rule 300.*]—After the order of the Master, ante 738, since affirmed on appeal, ante 773, and while the appeal was pending, the plaintiff on the 7th May assumed to amend the statement of claim under Con. Rule 300. The defendants moved to strike out the amendments or for a direction that the trial should proceed forthwith, on the ground that the amendments were embarrassing and made solely for delay. The Master was of opinion that the amendments were not objectionable, and that the plaintiff could not be put on any terms as to speeding the trial. Motion dismissed; costs in the cause. D. L. McCarthy, K.C., for the defendants. Casey Wood, for the plaintiff.

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REX V. SAM LEE HING—MIDDLETON, J.—MAY 18.

*Liquor License Act—Conviction—Keeping for Sale—Chinese Wines—Evidence.*]—Motion to quash a magistrate's conviction for an offence against the Liquor License Act. Held, that there was ample evidence to justify the magistrate in finding, as he did, that the Chinese wine in question was a beverage, and when a large quantity was found in the possession of the accused, a merchant engaged in the sale of Chinese imports, it could not be said that the magistrate was wrong in his finding that it was "kept for sale;" far less could it be said that there was no evidence upon which he could convict. If the magistrate had believed the defence evidence, there was ample to justify an acquittal, but, unfortunately for the defendant, the magistrate did not accept his version of the case. This was not an appeal, and could not be so treated, and the conviction must stand if there was any evidence whatever. Motion dismissed. T. H. Crerar, for the defendant. J. R. Cartwright, K.C., for the Crown.