a jury at North Bay on the 23rd November, 1910. The following statement of facts is taken from the judgment of RIDDELL, J.

The plaintiff was a merchant residing in Cochrane; in September, 1909, he was in Toronto, having gone there to be married; and he bought some $43 worth of whiskey and gin for the purpose (as he said) of celebrating his marriage in Cochrane with his friends and customers. He directed the vendors to send the liquor from Toronto to him by express at Cochrane. It was so shipped, and it arrived at Cochrane a few days after the plaintiff, who seems to have thought he was acting lawfully, as he told Clark, the constable, what he had done. Some four or five days after the plaintiff reached home, Clark came to him and told him that the defendant, a Commissioner of Police appointed under the authority of R.S.C. ch. 92, wanted to see him at the Court. The liquor intended for the marriage feast was seized at the station. The defendant, upon the plaintiff's appearing before him at the Court House, took out a paper and told him that he would have to pay a fine, as this was the second offence, and that unless he paid the fine the same day he would go six months to North Bay, *i.e.*, to gaol. The first conviction seems to have been for keeping cider, and it was quashed by the Chancellor. There was no information, no summons, no charge laid or read, no formal conviction, no record of any kind except an entry in the returns book; a fine, $100, was demanded with $10 costs (not because the costs were in fact $10, but because the defendant always fixed the costs at that amount).

The defendant told the Chief of Police Shields "to take the liquor and dispose of it as was usually done." It did not appear what became of the liquor, nor did the defendant seem to have paid any further attention to it. Notice of motion to quash the conviction was served upon him, the matter came on several times before the Court, counsel for the defendant asking for an enlargement, and finally the defendant stated that there were no papers, and CLUTE, J., considered that no order could be made.

An action was brought in the County Court of the County of York, 23rd March, 1910, the statement of claim setting out that the defendant on the 23rd September, 1909, assumed to convict the plaintiff as for a second offence, etc., and imposed a fine of $100 and $10 for costs, which the plaintiff paid under duress—that the defendant had previously caused the plaintiff to be apprehended by a constable and brought before him to answer a supposed charge, etc., that the plaintiff in order to vacate whatever adjudication the defendant made was put to large costs—that