

The proof establishes that all that which is required by sections 3 to 11 of the same Act, in order to have the coffee analysed was duly complied with, and among other things, that the parcel containing some of the coffee sold was sent duly sealed to Dr. Baker Edwards, of Montreal, who, it is alleged, is the Public Analyst, *duly appointed under the said Act for this district.*

By an order-in-council of the 13th January, 1886, I FIND “*that the analysts heretofore appointed (that is to say, under the law of 1884, which has been repealed by the statut of 1885, already referred to) are reappointed, but subject to their obtaining a certificate of competency in mechanical and microscopical knowledge and skill from the Board of Examiners to be appointed for such purpose ; and amongst those to be reappointed I find nominally Dr. Edwards.*”

Dr. Edwards analyzed the coffee in the parcel furnished to him by the Officer of the Inland Revenue, found that it was adulterated to the extent of about 50 per cent, and signed a certificate to that effect, which has been produced in this case.

This certificate is the only proof adduced to establish the adulteration ; and the law (section 11th of the same Act) gives such a character of authenticity to such certificate that its simple production before the court is sufficient to make proof of its contents. But in his certificate, Dr. Edwards styles himself a public analyst for the Inland Revenue District of Montreal, appointed under the Adulteration of Food Act of 1884.

This act of 1884 has been repealed by that of 1885. It is true that by section 31 of the latter Act, it is declared “*that all orders-in-council or by-laws passed under the old law shall remain in force until amended, changed, or revoked.*”

The first question, therefore, is : Was the order-in-council passed under the law of 1884, appointing Dr. Edwards Public Analyst for the district of Montreal under that law, revoked by the order-in-council of the 13th January, 1886,