and governing "hawkers, pedlars, or petty chapmen," passed under sec. 583 (4) of the Municipal Act.

E. E. A. DuVernet, for defendant.

G. H. Watson, K.C., for complainant.

THE COURT (MEREDITH, C.J., MACLAREN, J.A.), held that the conviction was not bad on its face because it directed imprisonment in default of payment of both fine and costs and of sufficient distress, the conviction being in the form prescribed by sec. 707 of the Municipal Act, and the by-law following the words of sec. 702: see Regina v. Johnson, 8 Q. B. 102; Reid v. McWhinnie, 27 U. C. R. at p. 293; R. S. O. ch. 90, sec. 5. Regina v. McMillan (Divisional Court, 12th January, 1901), distinguished. The Court also held that it could not be said that there was no evidence of a breach of the by-law having been committed by defendant. Rule nisi discharged with costs.

FEBRUARY 3RD, 1903.

DIVISIONAL COURT.

JONES v. LAKEFIELD CEMENT CO.

Conversion—Leave and License—Findings of Trial Judge—Refusal of Appellate Court to Interfere.

Appeal by plaintiff from judgment of BRITTON, J., dismissing the action, which was brought to recover damages for the conversion of a certain derrick and derrick-masts, guy-ropes, etc., taken by defendants from the plaintiff's quarries on Eagle Mount island in Stoney lake. The defendants took the goods to their works at Young's Point, and kept them until after action. They justified by leave and license of plaintiff.

W. R. Smyth, for plaintiff, contended on the evidence that the finding of the trial Judge was wrong.

G. H. Watson, K.C., for defendants, contra.

THE COURT (MEREDITH, C.J., MACLAREN, J.A.), held that it was impossible, with a proper regard to what was due to the findings of a Judge who had seen the witnesses, heard the evidence, and come to his conclusion on conflicting testimony, to interfere with the result that had been reached. Appeal dismissed with costs.