

"over and above the said lying days, at forty pounds per day. The ship to have an absolute lien on the cargo for all freight, dead freight, and demurrage due under this charter-party, but charterers' responsibility to cease upon shipment of the cargo, provided the cargo be worth the freight, demurrage, etc., on arrival at the port of discharge. Should ice set in during loading so as to endanger the ship, master to be at liberty to sail with part cargo and to have leave to fill up at any open port on the way homeward for ship's benefit."

HELD (Cross, J. diss.):—That notwithstanding the clause as to ship having leave to fill up at other ports on the homeward voyage, the shipowner was entitled to dead freight, owing to the setting in of ice having occasioned the departure of the vessel before the loading was completed, the completion of the loading having been retarded and prevented by the fault of the charterer. *Lord et al.*, Appellants, and *Davison*, Respondent.—Dorion, C.J., Monk, Tessier, Cross, Baby, JJ., (Cross, J. diss.). April 2, 1885.

*Powers of Provincial Legislatures—License for storage of Gunpowder—41 Vict. (Q.) cap. 3, sections 170, 171—Action for Penalty.*

HELD:—1. That a powder manufactory, where a quantity of powder exceeding 25 lbs. is kept, is a powder magazine within the meaning of 41 Vict. (Q.) cap. 3, sect. 170.

2. (By the majority of the Court):—That the Act above cited, which imposes a penalty for failing to take out a license, is not *ultra vires*, being in the nature of a police regulation, and as such within the powers of the local legislature, even supposing the provision of the Act requiring a fee of \$50 to be paid for a license were *ultra vires* as a revenue tax.

(By Ramsay, J.) That the Act is valid, not as a police regulation, but as a license Act, the local legislatures having power, under the B. N. A. Act, sect. 92, ss. 9, to pass an act for raising revenue by a license fee. *The Hamilton Powder Co.*, Appellants, and *Lambe et qual.*, Respondent.—Dorion, C. J., Monk, Ramsay, Cross, JJ. November 23, 1885.

*Municipal Corporation—Power to license and regulate—License fee—Reception of thing not due—C. C. 1047.*

HELD:—1. That a power granted to a municipal corporation to license and regulate a particular business does not authorize the exaction of a revenue duty, but only of a moderate fee sufficient to cover the cost of issuing the licenses, and of inspecting and regulating the same. So, where the City of Montreal was empowered to license and regulate junk stores, it was held that the exaction of a license fee of \$50 per annum was illegal.

2. That where such fee had been paid to the city during three years in succession before contesting the validity of the exaction, the same might be recovered by the person who had paid the fee. *The City of Montreal*, Appellant, and *Walker*, Respondent.—Dorion C. J., Monk, Cross, Baby, JJ. November 27, 1885.

*Reserved Case—Amendment.*

HELD:—That where a Case Reserved for the consideration of the Court of Queen's Bench, pursuant to the Statute in that behalf, does not contain a question which, in the opinion of the full Court, it is essential to decide in connection with such case, it may be sent back to the Court which reserved the same, for amendment. *Regina v. Provost*.—Monk, Ramsay, Tessier, Cross, Baby, JJ. January 27, 1885.

*Powers of Federal Legislature—32 & 33 Vic. c. 29, s. 44—Jury Law, Province of Quebec, 46 Vic. c. 16 (Q.)—Indictment for Robbery.*

HELD:—1. That the Parliament of Canada, in declaring, by 32 & 33 Vict. c. 29, s. 44, that "every person qualified and summoned as a Grand Juror, or as a petty juror, in criminal cases, according to the laws which may be then in force in any Province of Canada, shall be and shall be held to be duly qualified to serve as such juror in that Province, etc." did not legislate *ultra vires*, and therefore the Jury Act of the Province of Quebec is constitutional.

2. The word "together" is not essential in an indictment against two persons for robbery,