

other similar oils, nor any larger quantity than one barrel of crude oil, burning fluid, naphtha, benzole, benzine, or "other combustible or dangerous materials" should be kept at any one time in a house or shop in the city, except under certain limitations. The by-law was passed under sub-s. 17 of s. 542 of the Municipal Act R.S.O. c. 223, such section being headed "Storing and transportation of gun powder," and provided "for regulating the keeping and storing of gun powder and other combustible or dangerous materials" and was one of a group of sections under div. VI of the Act headed "Protection of life and property," sub-div. 3 of said division, which included s. 542, being under the heading "Prevention of fires."

*Held*, that the said sub-s. 17 authorized the passing of the by-law, and that the conviction could be supported thereunder, for that the words "other combustible or dangerous materials" were not limited by the ejusdem generis rule to gun powder or other similar substances, but would include the substances set out in the by-law; and that such legislation was not superseded by Dominion legislation for that the Petroleum Inspection Act 1899, 62 & 63 Vict., c. 27 (D.), dealing with the subject, which was expressly made conformable thereto.

*Shepley*, K.C., for applicant. *Cartwright*, K.C., for Attorney-General. *Douglas*, K.C., for prosecutor.

Divisional Court.]

REN. T. BENNETT.

[May 14.]

*Conviction—Motion to quash—Costs.*

In a motion to quash a conviction, such conviction being in a criminal matter, and not merely for a penalty imposed by or under Provincial legislation, no jurisdiction is conferred on the High Court to give costs to the applicant against the prosecutor or magistrate.

*Douglas*, K.C., for applicant. *Denton*, K.C., for prosecutor. *Middleton*, for magistrate.

Meredith, C.J.C.P.]

[June 27.]

PEOPLES' BUILDING AND LOAN ASSOCIATION v. STANLEY.

*Court of Appeal—Leave to appeal—Dismissal with costs—Validity of Order—Execution issued out of High Court—Authority to issue.*

An application to a judge of the Court of Appeal for leave to appeal from an order of a Divisional Court, having been dismissed with costs, the same were taxed and a certificate thereof issued, which, with the order of dismissal, was filed in the High Court, and a *fi. fa.* to levy the amount of such costs placed in the sheriff's hands for execution.