

In the first of the alleged libels one of the statements made about the plaintiff was "that during an election campaign the party managers had to lock him up to keep him from disgracing them on the stump.

*Held*, that evidence was admissible on the part of the defendant to explain the meaning of the words "lock him up."

*Riddell*, Q.C., and *H. Guthrie* for plaintiff. *King*, Q.C., for defendant.

Divisional Court.]

REGINA v. IRELAND.

[Dec. 5, 1899.

*Intoxicating liquors—Unlicensed premises—Search for liquor—Right of inspector to take stranger with him—Necessity for warrant—Proof of liquor being sold—Liquor License Act, R.S.O., c. 245, ss. 130, 131.*

The right of entry under s. 130 of the Liquor License Act, R.S.O., c. 245, into any inn, tavern, etc., to make search for liquor, is limited to the persons named therein, namely, "any officer, police constable, or inspector;" and it is only under s. 131, on the procuring a warrant as therein provided, that the officer, etc., can take with him a person not being one of those named. Where therefore a license inspector, in proceeding to search the defendant's premises for liquor, took with him a person not being one of those so named, and without having procured a warrant, his act was illegal, and the defendant justified in resisting it; and a conviction for obstructing the inspector in the discharge of his duty was quashed.

The defendant's premises had been licensed as a tavern, but the license had expired, and the only evidence of liquor being sold or reputed to be sold therein was the statement of the inspector that the defendant's bar-room remained the same as before, *i.e.*, the expiry of his license.

Per MEREDITH, C. J. This was not sufficient to satisfy the requirements of the section; and under the circumstances of this case an objection that reasonable grounds had not been shewn for suspecting that some violation of the Act was taking place, or was about to take place, was not tenable.

*Haverson* for applicants. *Langton*, Q.C., contra.

Meredith, C.J., Rose, J.]

REGINA v. SMITH.

[Dec. 5, 1899.

*Municipal corporations—By-law—Regulation of hawkers—R.S.O., c. 223, s. 583, s.-s. 14—Proviso—Negating exception—Conviction—Quashing—Costs.*

A by-law of a County Council recited the provisions of sub-s. 14 of s. 583 of the Municipal Act, R.S.O., c. 223, and that it was expedient to enact a by-law for the purpose mentioned in the sub-section; it then went on to enact "that no person shall exercise the calling of a hawker, pedlar, or petty chapman in the county without a license obtained as in this by-law provided"; but the by-law contained no such exception as is mentioned in the proviso to sub-s. 14, in favor of the manufacturer or producer and his servants.