

HIGH COURT OF JUSTICE.

Queen's Bench Division.

Full Court.]

[Nov. 24.]

REGINA v. SOMERS.

*Justice of the Peace—Summary conviction—Lord's Day Act, R.S.O., c. 203—
Cab-driver—Offence—Uncertainty—Costs.*

A servant of a livery-stable keeper is not within any of the classes of persons enumerated in s. 1 of the Lord's Day Act, R.S.O., c. 203, and cannot be lawfully convicted thereunder for driving a cab on Sunday.

Conviction of the defendants under the Act for unlawfully exercising the worldly business of his ordinary calling as a cab-driver on the Lord's Day.

Held, bad for uncertainty.

The practice is not to give costs on quashing a conviction.

Regina v. Johnston, 38 U.C.R. 549, followed.

Tytler for the defendant.

Du Vernet for the informant.

Full Court.]

[Nov. 27.]

REGINA v. DICKOUT.

*Marriage—Solemnization of—Minister—"Religious denomination"—R.S.O.,
c. 131, s. 1.*

"The Reorganized Church of Jesus Christ of Latter Day Saints" is a religious denomination within the meaning of R.S.O., c. 131, s. 1; and a duly ordained priest thereof is a minister authorized to solemnize the ceremony of marriage.

Upon a case reserved, a conviction of such a priest for unlawfully solemnizing a marriage was quashed.

Semble, the words of the statute, "church and religious denomination," should not be construed so as to confine them to Christian bodies.

J. R. Cartwright, Q.C., and *Dymond* for the Crown.

W. M. German for the defendant.

Full Court.]

[Nov. 27.]

REGINA v. COULSON.

*Justice of the Peace—Summary conviction—Certiorari—Evidence—Uncertainty—
Amendment—Ontario Medical Act, R.S.O., c. 148, s. 45—Practising medi-
cine—Quashing conviction—Costs.*

Where a summary conviction, valid on its face, has been returned with the evidence upon which it was made, in obedience to a certiorari, the court is not to look at the evidence for the purpose of determining whether it establishes an offence, or even whether there is any evidence to sustain a conviction.

Regina v. Wallace, 4 O.R. 127, followed.