

The
Ontario Weekly Notes

VOL. XII.

TORONTO, AUGUST 3, 1917.

No. 20

APPELLATE DIVISION.

FIRST DIVISIONAL COURT.

JULY 25TH, 1917.

UNION NATURAL GAS CO. v. CHATHAM GAS CO.

Costs—Appeal—New Trial.

A new trial having been directed by the judgment of the Court delivered on the 12th June, 1917—noted ante 286—the following memorandum as to costs was afterwards made by J. HODGINS, J.A.:—The view of the Court is, that in this case the costs of the action up to the time when the parties were at issue should be reserved to be dealt with in the discretion of the new trial Judge, and that there should be no costs of the action from that time up to and including the trial and judgment. The costs of the appeals should be to the defendants in any event.

HIGH COURT DIVISION.

FALCONBRIDGE, C.J.K.B., IN CHAMBERS.

JULY 23rd, 1917.

*REX v. OBERNESSER.

Ontario Temperance Act—Tenant of Apartment Having Intoxicating Liquor in Cellar of Apartment-house—"Dwelling-house"—Separation of Cellar from Apartment—6 Geo. V. ch. 50, sec. 41 (1).

Motion to quash a conviction of the defendant by the Police Magistrate for the City of Hamilton.

The conviction was, for that the defendant "did unlawfully

* This case and all others so marked to be reported in the Ontario Law Reports.