

suance and subject to the terms of an agreement bearing date the 18th September, 1908, between W. F. Currie and E. D. Warren & Co.;" and that the share certificate should issue in the same form.

This mode of dealing with the shares will enable the defendant Currie, in the event of default happening in payment of the purchase money, to exercise fully every right to which he is entitled as pledgee of the shares, and will at the same time protect the plaintiffs against any improper use of or dealing with the shares by him.

There will therefore be judgment declaring the rights of the parties to be what I have found them to be, and there will be no costs of the action or counterclaim to any of the parties. Both of them were in the wrong, and the litigation would have been avoided had less temper and more judgment been shewn in the discussion as to the carrying out of the terms of the agreement.

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BOYD, C., IN CHAMBERS.

SEPTEMBER 24TH, 1909.

REX v. MONTGOMERY.

*Liquor License Act—Conviction for Offence against—Importation of Ale into Local Option District—Sale—Agent—Ale Shipped by Brewers from outside the District.*

Motion to quash a conviction under the Liquor License Act.

J. Haverson, K.C., for the defendant.

J. R. Cartwright, K.C., for the Crown.

BOYD, C.:—The conviction, dated 4th August, 1909, purports to be under sec. 49 of the Liquor License Act, for that the defendant did sell or dispose of liquor contrary to the provisions of sec. 49 of the Act and amendments thereof and thereto. Section 49 makes it an offence to sell liquor without a license—a disposal of liquor other than a sale would be an offence within that section. The magistrate gives reasons for his adjudication, and proceeds upon an application of statutes relating to breweries and sample and commission license, finding that the defendant acted as an agent in procuring liquor for others than himself, and that he thereby violated sec. 47 of ch. 82 of the statutes of Ontario, 1909, which relates to sales made under provincial licenses by brewers, and by the amendment prohibits such sales in a local option district. Counsel for the Crown disclaims the right to support the conviction on that theory of the evidence, but says it may be supported as a sale by Montgomery—a view which the magistrate did not apparently act upon.