

REGINA v. LEVINGER.

Constitutional law—55 Vict., c. 18, s. 2 (O.)—Intra vires—Constitution of criminal courts—General sessions of the peace—Jurisdiction in cases of forgery—B.N.A. Act, s. 91, s-s. 27; s. 92, s-s. 14.

The power granted by the British North America Act, s. 92, s-s. 14, to the Provincial Legislature to constitute courts of civil and of criminal jurisdiction necessarily includes the power of giving jurisdiction to those courts, and impliedly includes the power of enlarging, altering, amending, and diminishing the jurisdiction of those courts.

The Act 53 Vict., c. 18, s. 2 (O.), so far as it provides that the Courts of General Sessions of the peace shall have jurisdiction to try any person for any offence under any of the provisions of ss. 28 to 31 of R.S.C., c. 165, an Act respecting forgery, is within the powers of the Legislature of Ontario, as being in relation to the constitution of a provincial court of criminal jurisdiction, and does not in any way trench upon the exclusive authority given to the Parliament of Canada by s. 91, s-s. 27, to make laws in relation to criminal law and criminal procedure.

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

Murphy, Q.C., for the prisoner.

Divl Court.]

PEGG v. STARR.

Landlord and tenant—Distress for rent—Goods of third person—Resort first to goods of tenant.

Where a landlord has distrained for arrears of rent goods upon the demised premises liable to distress for rent, belonging in part to the tenant and in part to a third person, such third person has no right to compel, or to ask the court to compel, the landlord to sell the part belonging to the tenant before selling the part belonging to such third person.

A. H. Marsh, O.C., and C. C. Robinson for the plaintiff.

Moss, Q.C., and T. J. Robertson for the defendant.

BEAVER v. GRAND TRUNK R.W. CO.

Railway company—Passenger—Ticket, non-production of—Ejection from train—51 Vict., c. 29, ss. 214, 248—Contract—Condition—Regulation.

A passenger upon a railway train who has paid his fare cannot, in the absence of any condition in his contract with the railway company requiring the production of his ticket, and in the absence of any regulation relating to or governing it made under s. 214 of the Railway Act of Canada, 51 Vict., c. 29, be treated as "a passenger who refuses to pay his fare" within the meaning of s. 248 because he does not produce his ticket when asked for it by the conductor.