one which must be tried by a Judge alone, and it probably was. It was also said that it could not conveniently be tried at the jury sittings owing to the number of cases set down; but that did not affect the question. The learned Judge, with great respect, was of opinion that the Registrar was wrong. It was said that he regarded the case of Shaw v. Crawford (1889), 13 P.R. 219, as substantially identical; and thought that the present Rule, 246, providing that either party can give a notice of trial, was broader than Rule 654, under which the Shaw case was decided. The learned Judge could not see it in that light, as regards the circumstances of this case. It would lead to great inconvenience if parties were allowed to do what was sought to be done by the defendant here.

The appeal should be allowed and the notice of trial set aside; but, as it was not shewn that any decision had been given as to the scope of the new Rule in this respect, there should be no costs of the appeal or the motion below.

McGill v. McDonell (1892), 14 P.R. 483, Hogaboom v. Lunt (1892), 14 P.R. 480, and Leyburn v. Knoke (1897), 17 P.R. 410, were referred to.

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MEREDITH, C.J.C.P., IN CHAMBERS. OCTOBER 25TH, 1915.

## *RE CARNAHAN'S CONVICTION.

## *RE RICHARDSON'S CONVICTION.

*Municipal Corporations — Hawkers and Pedlars' By-law of County—Convictions for Offences against—Sale of Coal Oil by Travelling Salesmen—Binding Contracts of Sale—Municipal Act, R.S.O.* 1914 *ch.* 192, *sec.* 416—*Amendment by* 5 *Geo. V. ch.* 34, *sec.* 32.

Motions by S. A. Carnahan and A. E. Richardson to quash their convictions by a magistrate for offences against a hawkers and pedlars' by-law of a county, regulating, inter alia, "all persons, agents for persons not residing within the county, who sell or offer for sale . . . coal oil."

The defendants were agents of the Columbus Oil Company of Ohio.

Section 416 of the Municipal Act, R.S.O. 1914 ch. 192, as amended by 5 Geo. V. ch. 34, sec. 32, provides that "by-laws