

even had Barr the 100,000 shares in his hands, he could have sold for 8 cents or 1 cent.

The appeal should be allowed and the action dismissed, both with costs.

LENNOX, J., agreed in the result, for reasons stated in writing.

FERGUSON, J.A., and ROSE, J., also concurred.

Appeal allowed.

SECOND DIVISIONAL COURT.

FEBRUARY 26TH, 1917.

*REX v. CANTIN.

*REX v. WEBER.

Canada Temperance Act—Magistrate's Conviction—Motion to Quash—Right to Certiorari Taken away by sec. 148—Jurisdiction of Magistrate—Evidence of Offence.

Appeals by the defendants from the orders of LATCHFORD, J. (17th November, 1916), and MIDDLETON, J. (8th December, 1916), in Chambers, refusing to quash convictions under the Canada Temperance Act, R.S.C. 1906, ch. 152. The reasons for the decision of LATCHFORD, J., were given in Rex v. Berry (1916), 38 O.L.R. 177, ante 158, a case decided at the same time as Rex v. Cantin.

The appeals came on for hearing before RIDDELL and LENNOX, JJ., FERGUSON, J.A., and ROSE, J.

L. E. DANCEY, for the appellant Cantin.

Glyn Osler, for the appellant Weber.

J. R. CARTWRIGHT, K.C., for the Attorney-General.

RIDDELL, J., read a judgment in which he said that, on information duly sworn before the Police Magistrate for the Township of Hay, a summons was issued against N. Cantin for unlawfully bringing intoxicating liquor into the county of Huron, contrary to the provisions of the Canada Temperance Act. Cantin duly appeared before the magistrate, and evidence was given of the finding in his cellar of beer and whisky to a very considerable