

ately on the expiration of the franchise its effect was not to confer upon the town of Berlin a new right of expropriation in respect of an extended franchise, but merely to extend the time for assumption of ownership under the original conditions.

*Quære.* Did the Act just mentioned, by its terms, preclude the company from claiming compensation for loss of franchise?

The rights of the company to compensation are defined by statute, and there is no provision for an allowance of ten per cent. above the actual value of the property.

Appeal allowed with costs.

*Shepley*, K.C., and *Drayton*, for appellants. *Bicknell*, K.C., and *McIherson*, K.C., for respondents.

Ont.]

[February 25.

JOHN GOODISON THRESHER CO. v. McNAB.

*Appeal—Special leave—Time limit—Extension—R.S.O. (1906) c. 139, s. 48(e).*

After the expiration of sixty days from the signing or entry or pronouncing of a judgment of the Court of Appeal for Ontario, the Supreme Court of Canada is without jurisdiction to grant special leave to appeal therefrom, and an order of the Court of Appeal extending the sixty days, will not enable it to do so.

Motion refused with costs.

*J. E. Jones*, for motion. *Douglas*, K.C., contra.

Divisional Court.] REX v. TEASDALE.

[March 3.

*Liquor License Act—Conviction for second offence—Amendment of s. 72 after first conviction—Change in penalty for first offence—Interpretation of statutes—Refusal of judge to discharge defendant—Right of appeal to Divisional Court—Rule 77—Proof of previous conviction—Procedure at trial before police magistrate—Failure to comply with R.S.O. 1897, c. 245, s. 101.*

Appeal by the defendant from the order of CLUTE, J., ante 110, dismissing an application by the defendant, on the return of a habeas corpus and certiorari in aid, for his discharge from custody under a warrant of commitment pursuant to a conviction for a second offence against the Liquor License Act.