Tiffany, his legal adviser—whether counsel for the trial or not—could not be present. There was no valid excuse for his not being represented when the case actually came on for hearing if he wanted to be.

Still, if I had power to quash the conviction I would do so, not because I would then be doing complete justice, but because, in my opinion, it would be a nearer approach to justice than a fine of $500. Leaving out the suggestion of a previous conviction, and in my opinion it clearly was not left out in fixing this penalty, I can see no reason why the fine should not be reasonably close to the minimum. There is no evidence distinguishing it from other cases of violation to justify the magistrates in saying that " Gilmour has flagrantly defied the law." Mr. Cartwright states that Angus McDonald, the inspector, is an exceptionally good officer. That may be, but the evidence he gave as to a previous conviction was unfair and should not have been given. The same is true as to the last sentence of Grant's evidence. There is no doubt this had an effect upon the magistrates and they in effect deal with the matter as a second offence. But it is a question for the administration, not for me to deal with. McDonald is their officer, and if, inadvertently, he has been the means of causing too heavy a penalty to be inflicted, the department can mitigate this. I sincerely trust the Department will give the matter consideration.

The motion is dismissed with costs.

Hon. Mr. Justice Lennox.   JULY 17TH, 1913.

LAIDLAW LUMBER CO. v. CAWSON.

4 O. W. N. 1595.

Interpleader—Order of Directions — Claimant Made Plaintiff—Dismissal of Appeal.

Lennox, J., dismissed an appeal by a claimant in an interpleader issue from an order making her plaintiff in such issue.

Appeal by claimant from an order of the MASTER-IN-CHAMBERS directing that she should be plaintiff in an interpleader issue.

C. M. Hertzlich, for the claimant.

G. F. McFarland, for the execution creditors.

R. S. Maclennan, for the Sheriff of Toronto.