

Full Court.]

REX v. GUERTIN.

[June 14.

*Criminal law—Information—Amendment of, after lapse of time limited by statute—Liquor License Act—Certiorari.*

An information under s. 168 of the Liquor License Act, R.S.M. 1902, c. 101, for furnishing liquor to an interdict discloses no offence unless it alleges that the defendant had knowledge of the interdiction, and it becomes a new information if amended by introducing such allegation.

If such amendment is not made within thirty days from the date of the offence, the magistrate has no jurisdiction to proceed on amended information, and a conviction based upon it will be quashed on certiorari.

Whitla, for defendant. Patterson, D.A.-G., for the magistrate.

Full Court.]

DECOCK v. BARRAGER.

[June 14.

*Contract—Construction—Permit to cut hay—Cancellation of permit if land sold or leased—Subsequent lease of part of land.*

The defendant paid for a permit to cut hay in 1908 on a parcel of land across which was printed the following: "This permit becomes cancelled by the sale or lease of the land." Subsequently the plaintiff obtained a lease of half the same parcel.

Held, that the defendant's permit gave him an actual interest in the land, that the provisions for cancellation should be most strictly construed and that, as the land had not been leased but only a part of it, the permit was not cancelled, and the defendant had a right to the hay cut in that year on the whole of the land including some that had been cut by the plaintiff under his lease.

Symington, for plaintiff. A. B. Hudson, for defendant.

Full Court.]

SCOTT v. CANADIAN PACIFIC RAILWAY COMPANY.

[June 14.

*Negligence—Railway company—Brakeman injured whilst going between ends of moving cars to uncouple—Defective apparatus—Costs—Evidence.*

The plaintiff, a brakeman on duty in the defendant's employ, was injured in an attempt to uncouple a number of cars from an engine, the train being in motion. There was evidence that the lever on the engine tender failed to work properly, that there