

judgment should have specified which offence he was imprisoned for. That doctrine may do very well to apply to penalties, but no penalty is asked for here. The imprisonment is in the nature of a *contrainte par corps*—mitigated by the Insolvent Act to two years instead of enduring until payment of the debt. A case of *Caldwell and Macfarlane* was cited; but since the argument that case has been reversed in appeal. In looking at this section of the Act, and considering how to apply it, we must have strong and reasonable grounds for saying that this defendant knew or believed himself to be unable to meet his engagements, and concealed the fact from his creditor with intent to defraud him. He was asked whether he had endorsed accommodation paper. He positively denied it. He certainly must have known whether he had or had not; and if he had, as there is certain proof that he had, the denying it is surely a sufficient concealing from his creditor; and if the intent to defraud is not to be inferred from falsehood, it would be difficult to say when or how it can be held to exist. The unanimous opinion of the Court is to confirm the judgment, and it is confirmed accordingly.

Geoffrion & Co. for plaintiff.

Robertson & Co. for defendant.

SUPERIOR COURT.

DUNKIN, J.

Sweetsburg (Bedford District),
January 18th, 1878.

Ex parte McWilliams, petitioner for *Habeas Corpus*.

Quebec License Act—District Magistrate—Jurisdiction—Amount of Penalty.

Held, 1. That a prosecution under the Quebec License Act may be brought in any district, if the offence has been committed on board of any steamboat or other vessel.

2. Such prosecution may be brought before a District Magistrate at places within his district, other than those where a Magistrate's Court has been established.

3. Under the Act of 1875 (*Que.*, 39 Vic., c. 6, ss. 20 & 21) the penalty for unlicensed retailing of spirituous liquors is \$75.

The written opinion of the Judge (for a copy of which we are indebted to the courtesy of Mr. O. N. E. Boucher, N.P.) fully explains the points in issue.

DUNKIN, J. The petitioner rests his applica-

tion on what may be stated as these three several grounds:—

1. That the commitment recites his alleged offence, viz., the "having, at a place called Knowlton's Landing, in the township of Potton, in the said district of Bedford, * * * retailed and bartered and vended certain spirituous liquors, to wit, about three half-pints of gin in a bottle, on board of that certain steamboat called *Minnie*, on Lake Memphremagog, at the wharf on said lake at Knowlton's Landing aforesaid, * * * without having previously obtained the license required by the statutes in such case made and provided, and contrary to the statutes in such case made and provided,"—as not having been committed in the district of Bedford, and therefore as not falling within the local jurisdiction of the District Magistrate for that district, by whom it is issued.

2. That it purports to be issued, and to rest, upon a conviction rendered here at Sweetsburg,—where the District Magistrate (as the petitioner contends) could exercise no jurisdiction to that end.

3. That it recites the conviction as for a penalty of \$75, being in excess (as he contends) of the amount limited by law.

As to the first of these grounds, it is enough to say that section 155 of the License Act (*Que.*, 34 Vic., c. 2) is express, that any prosecution under it may be "brought within any district whatever, if the offence has been committed on board of any steamboat or other vessel." It may perhaps admit of question whether the word "district" here means a revenue district under the interpretation clause (s. 196) of the Act, or a judicial district, as the immediate context of section 155 would rather import. But, for the point here pending, the distinction is practically immaterial. The intention of the law clearly was to bring the offence of sale on board of any vessel under jurisdiction anywhere. This commitment declares the offence here in question to have been committed at Knowlton's Landing in this district. It goes on to say it was committed on board a steamboat at a wharf there. I cannot here gratuitously assume that a steamboat at a wharf laid as in this District, was not in the District. And even if I could, I should yet have to hold,—whether I took the strictest letter, or simply the plain intention, of this section 155—that this prose-