

On the return of the writs the matters were argued before this Court on April 14th, 1909, before LANDRY, McLEOD and WHITE, JJ.

A. T. LeBlanc, supported the convictions.

W. A. Mott, K.C., contra.

The judgment of the Court was now delivered by

LANDRY, J.:—Two cases against Joseph Damboise, a licensed vendor under The Liquor License Act (Cap. 22, C. S. 1903), before William Murray, Justice of the Peace, Restigouche county; one for having on the 27th day of February, 1909, allowed to be supplied on his licensed premises in Campbellton liquor to a minor; the other for a similar offence on the 1st day of March, 1909. Both cases were made out by proof to the satisfaction of the magistrate, and in each he entered a conviction.

These cases are now before this Court on writs of certiorari and orders nisi to quash. There are several objections taken to the convictions, none of which, we believe, affect the jurisdiction of the magistrate.

Section 104 of the Liquor License Act (c. 22, C. S. 1903), gives the defendant a right of appeal or review to a judge of the County Court in cases of this kind, and this Court has already on several occasions refused to grant certiorari in cases where such a right exists, and no exceptional circumstances are shewn. In these two cases no exceptional circumstances are shewn to exist and I do not see why this Court should depart from the rule laid down in *Ex parte Price*, 23 N. B. R. 85.

Convictions confirmed; and orders nisi to quash, discharged.

NEW BRUNSWICK..

FULL COURT.

APRIL 23RD, 1909.

OWENS v. UPHAM.

Costs—Review of Taxation—Rule Setting Aside Order with Costs—Items Properly Taxable Thereunder—Practice.

Motion on behalf of the petitioner Owens, for a review of a taxation of costs taxed under an order of this Court