

T. H. Peine, for the applicants.

HON. MR. JUSTICE LENNOX:—It appears that the moneys in Court to the credit of Durant, Dort Carriage Company are the fruit and result of professional services rendered by Messrs. Cahill & Soule, and Carscallen & Cahill, and that their bill of costs has been taxed and allowed at \$855.84, and that these moneys in Court do not amount to so much as is owing to the solicitors, the applicants. Notice of this application has been duly served; and the Durant, Dort Carriage Company have not appeared.

There will be an order issued in the terms of the notice of motion.

HON. MR. JUSTICE LENNOX.

AUGUST 8TH, 1913.

REX v. GILMOUR.

5 O. W. N. 14.

*Intoxicating Liquors — Liquor License Act—Conviction for Selling without License—Motion to Quash—Notice of Trial—Conviction in Absence of Accused—Service of Notice of Appeal—Severity of Sentence.*

LENNOX, J., refused to quash the conviction of defendant for selling liquor without a license, although made in his absence, holding that he had ample opportunity to be present.

Motion to quash defendant's conviction for selling liquor without a license.

S. S. Mills, for defendant.

J. R. Cartwright, K.C., for the Crown.

HON. MR. JUSTICE LENNOX:—I regret that I cannot do anything for him. I am inclined to believe that the technical objection taken that "service" includes service upon the Clerk of the Peace, and that the appellant's proceedings were too late, is a valid objection, but I prefer to dispose of the case upon the merits, and upon the merits there is no ground here upon which I can give relief. I am not well pleased with the action of the magistrates, but they acted within their jurisdiction, and although the appeal was very ably and strenuously argued, I cannot say that in proceeding to dispose of the matter on the 16th of June, in the absence of Gilmour, the Justices acted "contrary to natural justice." The case was set for the 11th of June, as Gilmour knew, and it was then adjourned until the 16th because Mr.