

## BY-LAW

*Not finally passed—Work done under it—Quantum meruit.]—See MUNICIPAL CORPORATIONS, 3.*

*Regulating baggage waggons.]—See MUNICIPAL CORPORATIONS, 4.*

*Invalid by-law—Injunction restraining acting under—Subsequent passing of valid by-law.]—See MUNICIPAL CORPORATIONS, 6.*

*Appointment of High School Board.]—See PUBLIC SCHOOLS, 2.*

*Motion to quash.]—See MUNICIPAL CORPORATIONS, 2, 9—JUSTICE OF THE PEACE, 1.*

## CANADA TEMPERANCE ACT.

1. *Village joined to another county for municipal purposes—Jurisdiction of justices of county within which village is situated—Conviction differing from minute of conviction—Validity of.]—The defendant was convicted by two justices of the peace of the district of M., for a breach of the second part of the Canada Temperance Act for selling liquor at the village of B., in the district of M. The Act was in force in the village of B. only by reason its being for municipal purposes within the county of V., within which county the Act was in force, and there was no evidence to shew that the Act was in force in the district of M. within which B. was situated.*

*Held, that the justices of the peace of M. district had no jurisdiction to convict the defendant, for he could only be convicted by justices of the peace whose commission ran into V. county.*

The adjudication and minute of conviction did not award distress, but provided that in default of payment forthwith of fine and costs, imprisonment, while the conviction ordered in default of payment forthwith, distress, and in default of sufficient distress, imprisonment.

*Held, following Regina v. Brady, 12 O. R. 358, 360-1, that the conviction was bad. Regina v. Higgins, 148.*

2. *Conviction—Costs of commitment and conveying to jail.]—A conviction for a breach of the second part of the Canada Temperance Act, imposed a fine of \$100, and directed distress on non-payment of the fine, and in default of sufficient distress imprisonment in the common jail for two months unless the fine and costs, including the costs of commitment and conveying to jail, were sooner paid.*

*Held, there was no power under the Act to include the costs of commitment and conveying to jail; and the conviction was therefore bad, and must be quashed.*

*The reasoning in Regina v. Tucker, 16 O. R. 127, and Regina v. Good, 17 O. R. 725, followed. Regina v. Ferris, 476.*

## CARTS.

*Licensing.]—See JUSTICE OF THE PEACE, 3.*

*Baggage Wagon.]—See MUNICIPAL CORPORATIONS, 4.*

## CASES.

*Adams and Kensington Vestry, In re, 27 Ch. D. 394, specially referred to and followed.]—See WILL, 7.*