

Druce-Portland Co. Limited v. Blakiston (1908), 24 Times L.R. 583.

Section 110, sub-sec. 4, of the Act, provides for repayment where the conditions are not complied with; and it seems absurd to say that the shareholder can be called upon to pay the balance due upon his shares, when he is entitled to have returned to him the portion that he has already paid. No statutory meeting having been held, the fact of the company being wound up did not affect the appellants' rights. Their claim to have their applications for shares cancelled was in time.

The appeal should be allowed, the order of the Referee set aside, and an order made declaring that the appellants' applications for shares are cancelled, and directing that their names be removed from the books of the company as shareholders or subscribers for shares, with costs here and below.

LATCHFORD, J., IN CHAMBERS.

FEBRUARY 11TH, 1916.

REX v. HEWSON.

*Liquor License Act—Magistrate's Conviction of Unlicensed Person for Keeping Intoxicating Liquor for Sale—"Hard" Cider—Seizure on Premises of Accused—Chemical Analysis—Failure to Connect Liquor Seized with Liquor Analysed—Absence of Evidence—Jurisdiction of Magistrate.*

Motion by William Hewson to quash his conviction by the Police Magistrate for the Town of Oshawa for keeping intoxicating liquor for sale, without a license, contrary to the Liquor License Act.

Hewson was the keeper of a restaurant, and kept cider for sale. The charge against him was that the cider found upon the premises was "hard," and therefore intoxicating. The cider seized was not sealed up until two hours after the seizure; it was then sent to the License Department for analysis.

D. O. Cameron and J. B. Mackenzie, for the applicant.  
J. R. Cartwright, K.C., for the Crown.

LATCHFORD, J., held that there was nothing to connect the liquor that was seized with the liquor that was analysed; and so there was no evidence upon which the magistrate could convict. The learned Judge expressed the opinion that in such a