stack, must have come from the ash-pan; that the ash-pan was perfectly good, and so constructed that it was very difficult for ashes to escape from it, and that the possibility of any escape would be prevented by emptying or partly emptying the pan.

Held, that the jury might have found as legitimate inferences of fact that the fire escaped because the pan was full, and that that result might, with reasonable care, have been avoided; there was, therefore, evidence of negligence to go to the jury, and the nonsuit was improperly entered.

Lash, Q.C., for the appellant.

Robinson, Q.C., and *Boulton*, Q.C., for respondents.

QUEEN'S BENCH DIVISION.

Armour, J.]

REGINA v. HEATH.

Criminal law—Canada Temperance Act, 1878—*Buyer of liquor—Aider and abettor.*

Held, that under the Canada Temperance Act of 1878, a buyer of liquor cannot, in respect of a sale made to him by a seller, be regarded as an aider and abettor, counsellor or procurer, and a conviction as such cannot be supported.

Delamere and *Milligan*, in support of motion.

J. S. Fraser, of Wallaceburg, contra.

O'Connor, J.] [January 27.

REGINA v. DUNNING.

Conviction—Weights and Measures Act, 1879—*Certiorari—Appeal to sessions—33 Vict. c. 27, s. 2—49 Vict. c. 49, s. 1—Imprisonment—Criminal charge—Evidence of accused.*

Upon a motion for a *certiorari* to remove a conviction under the Weights and Measures Act, 1879, for obstructing an assistant-inspector of weights and measures on the discharge of his duty.

Held, that when an appeal from a conviction has been had and heard at the general sessions of the peace, a *certiorari* may be moved for within six months after the order of sessions confirming the conviction, but in this case the right to *certiorari* is taken away by 33 Vict. c. 27, s. 2, supplemented by 49 Vict. c. 49, s. 1, and

Held, also, that the latter act applies to convictions made before it was assented to, as well as after.

Held, also, that magistrates have power to impose imprisonment in default of sufficient distress upon conviction for an offence under this act.

Held, also, that the offence was in the nature of a crime, as it was interfering with a public officer in the discharge of his duty, and might have involved a breach of the peace, and therefore the magistrates were right in rejecting the evidence of the defendant.

F. M. Macdougall, for the motion.

W. H. P. Clement and *W. J. Code*, contra.

O'Connor, J.] [February 3.

REGINA v. CYR.

Conviction—Keeping bawdy-house—Uncertainty—Place where offence committed—Forfeiture of penalty—32 & 33 Vict. c. 31, s. 17—Costs.

Upon a motion, on the return of a *habeas corpus* to discharge the prisoner, who was convicted of keeping a house of ill-fame.

Held, that the conviction was bad on the face of it for uncertainty in not naming a place where the offence was committed.

Held, also, that the conviction was defective because it did not contain an adjudication of forfeiture of the amount of the fine imposed. The Act 32 & 33 Vict. c. 31, s. 17, provides that the magistrate may condemn the party accused to pay a fine not exceeding, with the costs in the case, $100.

Held, that the meaning of this is that the amount of the costs in the case shall be deducted from $100, and the balance or difference shall be the utmost limit of the fine; and that the conviction in this case, being to pay the sum of $100 without costs, was therefore bad.

G. F. B. Johnstone, for the Crown.

Aylesworth, for the prisoner.
