

which it was necessary to state the title to the easement claimed, which should have been done by setting out that the occupiers of the land possessed by plaintiff, had for twenty years before action enjoyed the way as of right and without interruption, but that it was too late for defendant to raise this objection after the trial and judgment for plaintiff.

*Ritchie*, Q.C., for plaintiff.

*Wade*, Q.C., for defendant.

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THE QUEEN v. BUTLER.

*Canada Temperance Act—Two charges, conviction on one—Evidence—Time for payment of penalty.*

Defendant was summoned to appear before two justices of the peace to answer two charges for violations of the Canada Temperance Act, one for selling intoxicating liquor contrary to the provisions of the Act, and the other for keeping such liquor for sale.

After hearing evidence on the first charge, the justices heard formal evidence of the service of the second summons. They then dismissed the second charge and convicted defendant on the first.

*Held*, that the case was sufficiently distinguished from *Hamilton v. Walker*, (1892) 2 Q.B. 25, by the fact that no evidence was heard on the second charge that would be likely to prejudice the minds of the justices in the consideration of the first.

The minute of conviction mentioned no definite time for the payment of the penalty.

*Held*, that the conviction must be taken to have required payment to be made forthwith.

The information taken on the 21st September, 1894, alleged the offence of selling to have been committed between the 1st day of September, "last past," and the 20th September, 1894.

*Held*, that the expression "last past," though ambiguous, did not vitiate the conviction, as defendant had a complete defence in law to anything beyond the three months.

*McLean*, Q.C., for plaintiff.

*Wade*, Q.C., and *V. J. Paton*, for defendant.

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Province of New Brunswick.

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SUPREME COURT.

Easter Term]

[April 25.

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EX PARTE HEYWOOD.

*C. S. ch. 38, sec. 7—Disclosure—Debtor.*

A debtor under arrest made a disclosure under C. S., ch. 38, sec. 7, and signed to its truth. On being recalled he gave further evidence, but did not sign to its truth.