

add to his name the words "solicitor for the said W. P. Innes, etc., etc., partners in the above firm, the Dominion Syndicate," and the words "partners" should be used in the appearance instead of the word "members." Upon such an appearance being entered, the motion will be refused, and costs thereof will be costs in the cause.

MARCH 12TH, 1903.

DIVISIONAL COURT.

REX v. WALSH.

*Constitutional Law—Liquor Act of Ontario, 1902—Referendum—Intra Vires—Creation of Court for Trial of Offences—County Court Judge Acting out of his own County—Adjournment of Trial—Sentence—Summons—Form of.*

Rule nisi calling on Archibald Bell, Judge of the County Court of Kent (purporting to act under sec. 91 of the Liquor Act) and D. J. Donahue, clerk of the peace for the county of Elgin, to shew cause why the conviction of defendant by the Judge "for that he (the defendant) did on the 4th December, 1902, at the city of St. Thomas, attempt to put a paper other than the ballot paper authorized by law into the ballot box," should not be quashed. The proceedings were taken under sub-sec. 4 of sec. 91 of the Liquor Act, 1902. The question referred to the electors by sec. 2 of the Act was voted upon throughout the Province on 4th December, 1902. The Crown Attorney for the county of Elgin notified the President of the High Court that he had reason to believe that defendant had committed or attempted to commit the offence of placing or attempting to place unauthorized ballots in the ballot box used in polling sub-division 4 for the city of St. Thomas. Thereupon the President of the High Court designated Mr. Bell, Judge of the County Court of Kent, to conduct the trial of the persons accused. The Judge issued a summons calling on defendant to appear before him on 29th December, 1902, at the court house in St. Thomas to answer the charge that he did fraudulently attempt to put into the ballot box a paper other than that authorized by law. Defendant did not appear in person at the time and place named, but counsel appeared for him and applied for an adjournment. The trial, as appeared by the conviction, was continued on that day and on the 19th and 20th January and 3rd February, 1903; and the Judge, having heard witnesses in support of the charge, as well as for the defence, found defendant guilty and sentenced him to be imprisoned for one year in the common gaol of the county of Elgin.

J. A. Robinson, St. Thomas, for defendant, moved the rule absolute.