

I. THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

In the matter of Section 22(1) of the
Liquor Ordinance of the Northwest
Territories, and in the matter between:

HER MAJESTY THE QUEEN

JUSTICE W. MORROW
TERRITORIAL COURT OF THE
NORTHWEST TERRITORIES
YELLOWKNIFE, - N.W.T.

Appellant

- and -

ROBERT DAVID McQUAID

Respondent

REASONS FOR JUDGMENT, of the Honourable Mr.
Justice W.G. Morrow.

I am satisfied from the material before me that the
learned Justice of the Peace, (as he indicated in his remarks
in his Judgment, which is before this court), erred in consid-
ering ~~fifty~~ ^{\$50} dollars as a minimum, when ~~section~~ ^{since} section 37(1)(a) of
the Liquor Ordinance requires a minimum ~~for~~ ^{\$100} for a first offence,
~~at least~~ ~~one~~ hundred dollars.

I think it is unfortunate that the Government has fixed
what I consider to be, and apparently the Justice of the Peace

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think to be, a very high minimum for a first offence. It seems to me there should be a little more latitude left to the Justices of the Peace to cover such situations where it appears that the accused respondent thought the person was twenty-one years of age, and there was no money transaction involved, and it was a purely social event. Had the minimum fine been less, perhaps there would have been a close approximation to justice as seen by the Justice of the Peace.

However, the law is clear that the minimum is ~~one~~^{\$100} hundred dollars, and I allow the appeal to the extent ~~the~~^{that} Judgment of the Justice of the Peace will be varied to be ~~one hundred dollars~~^{\$100} and costs, and no costs of the appeal, and I direct that a copy of the Judgment be sent to the respondent. Is that satisfactory?

Am. Council

Mr. Troy: Yes, my Lord. Could a copy of the Judgment also be sent to the Justice of the Peace?

The Court: All right, a copy to the Justice of the Peace, and a copy to the Commissioner of the Northwest Territories.

The Clerk: My Lord, is there any change in the default? It was five days before?

The Court: The same default, and fourteen days to pay.

Crown Counsel

~~Mr. Troy:~~ My lord, the costs were \$5.50 before.

~~The Court:~~ \$5.50, and no costs of the appeal.

W.G. Morrow

W.G. Morrow, Judge of the
Territorial Court

Hay River, N.W.T.
June 6, 1966

Counsel for the Appellant - O.J. T. Troy, Esq.

Counsel for the Respondent - (without Counsel)

*O.J. Troy for the Crown (appellant)
Respondent in person.*