

IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

SECRET

ORAL REASONS FOR JUDGMENT OF HIS LORDSHIP THE HONOURABLE MR. JUSTICE WILLIAM G. MORROW, given on the 24th day of November, A.D., 1966, at the Town of Hay River, N.W.T.,

In the matter between:

HER MAJESTY THE QUEEN

Respondent

- and -

RODERICK JAMES CHALIFOUX

Appellant

MORROW, J.

In this case I take the same view as the Justice of the Peace, that it is not a desirable situation for a person to make liquor available to teenagers, and in this case to a juvenile. There is no question about it, that this is one of the causes of so much crime and social difficulty in this area. If the Ordinance did not have its confused wording I would feel that I should maintain the same penalty and sentence as was given by the Justice of the Peace.

However, there is an inconsistency in the way the Ordinance is worded on penalties, and in ^{Regina} ~~The Queen vs~~ Itsi ^{February 1966} (unreported), Mr. Justice Sissons, former judge of this Court, wrote a judgment in which he decided that the general penalty provision only applied in this type of case. Instead of \$100.~~00~~, therefore, it would be a maximum of \$50.~~00~~.

The sentence will therefore be \$50.~~00~~ plus costs on each count, and in addition twenty-three days on each count. Should the

fine not be paid within fourteen days there will be an additional thirty days in each case. The two penalties will be concurrent, not consecutive. Does that cover everything?

Defense counsel
Mr. Williams: Actually, the fines have been paid.

The Court: ~~They have been paid.~~ Then there will be no problem.

There will be no costs on the appeal.

Mr. Chalifoux, stand up. You are just lucky that there was a mistake in the law, or it would have stayed at \$100.00 and thirty days in each case. You must buck up, or you will be back here again. Do you understand?

Appellant
Yes.

O. J. T. Jury for the Court,
A. E. (Lee) Williams for appellant.