

SUNDAY.

R. S. O. ch. 246—Ordinary Calling—Foreman of Railway Elevator—Employer.—The defendant was convicted of following his ordinary calling of foreman of the Grand Trunk Railway Company elevator in superintending the unloading of grain from a vessel into the elevator on Sunday :—

Held, that R. S. O. ch. 246 does not apply to that railway, and as it did not apply to the employer it did not apply to the employee.

Conviction quashed, with costs against the prosecutor. *Regina v. Reid*, 732.

SURETY.

See PRINCIPAL AND SURETY.

TAX SALE.

Taxes Paid Under Mistake, after Land Sold for Taxes.—See MISTAKE.

TELEPHONE.

Poles on Street—Supervision of Municipality—Interference with Public Travel—Liability.—A telephone company having permission by its Act of incorporation to erect poles on the streets of towns and incorporated villages, so as not to interfere with the public right of travel, is not relieved from liability for damages when it plants the poles on the highway in such a way as to become an element of danger to the public, although, as required by the Act of incorporation, the poles are planted under the supervision of the municipality. *Boyn v. The Bell Telephone Company*, 696.

TRIAL.

Jury—Failure to Agree—Rule 780—Right of Judge to Dismiss Action.—Rule 780 which provides that "if the jury disagree and find no verdict, the Judge at, or after the trial may, notwithstanding, dismiss the action" does not empower the Judge in every case of disagreement to determine the action himself; it is confined to the case where he is of the opinion that he should have withdrawn it from the jury. *Floor v. The Michigan Central Railway Company*, 635.

TRUSTS AND TRUSTEES.

Investment—Fraud of Co-trustee—Cheque—Forging Indorsement.—L, a trustee under a will, relying upon the report of his co-trustee, a solicitor, in investing moneys of the estate, that he had made a loan on satisfactory security, joined him in signing a cheque on the estate bank account payable to the order of the alleged borrower. The solicitor trustee indorsed the cheque by forging the payee's name, obtained the money and absconded :—

Held, that L. was not chargeable with the loss. *Re McLatchie. Preston v. Leslie*, 179.

Discharge of Retired Trustee Mortgage by Subsequent Change in Terms of Mortgage.—See PRINCIPAL AND SURETY, 2.

See WILL, 3.

VENUE.

Change of in Criminal Case.—See CRIMINAL LAW.