paid, and that the policy was therefore not in force. The evidence showed that the agent had accepted a note for the amount of the premium, which note had been discounted, but had not been paid at maturity, but that the agent had been charged with the premium in an account current with the assurance company and had given his note to the company in discharge of the account. At the trial Meredith, C.J. C.P., held that the premium had been paid: the Court of Appeal were equally divided, Hagarty, C.J.O., and Burton, J.A., being of opinion that there had been no payment of the premium established; while Maclennan and Osler, JJ.A., thought the evidence established payment of the premium. The Judicial Committee of the Privy Council (Lords Macnaghten and Morris and Sir R. Couch and Sir Henry Strong) were of the opinion that the onus of proving payment was on the assured and that he had not discharged that onus, that there was no presumption arising from the agent's acceptance of the note, that he was to raise money thereon and pay the premium. Nor did the charging of the premium against the agent by the company in his account create any presumption of an intention on the part of the company to treat their own agent as the agent of the insured, or the policy as subsisting contrary to its express terms, the appeal was therefore allowed and the action dismissed. We may note that the judgment of the Privy Council was delivered by Sir Heny Strong.

MISDIRECTION—WITHDRAWAL OF CASE FROM JURY—SETTING ASIDE VERDICT,

Kingston v. *Kingston* (1897) A. C. 509, was an action of ejectment. At the trial the plaintiffs' title was admitted, and the defendants set up title by possession. Conflicting evidence was offered as to the defendants' possession, and the jury were unable to agree on a verdict for the plaintiff, and they were thereupon recalled by the judge, who directed them that as the plaintiffs had not proved possession by themselves for twelve years prior to the action, their verdict should be for the defendant. This their Lordships of the