

damages in the nature of interest upon the value of the stock he was obliged to keep on hand to meet the terms of the agreement. *Murphy*, in support of appeal. *Russell*, contra.

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Full Court.] THE KING v. QUIRK. [Feb. 12.

*Intoxicating liquors—Sale to minor—Owner of premises—Liability for act of servant contrary to instructions—Conviction restored.*

The Nova Scotia Liquor License Act, R.S. 1900, c. 100, s. 62, provides that a licensee shall not give, supply or furnish, or allow to be given, supplied or furnished, in or upon his licensed premises, any description of liquor to any minor, and every licensee who gives, supplies or furnishes any liquor to any minor in contravention of this section shall be liable, etc.

Defendant was convicted by the stipendiary magistrate of a violation of this section of the Act, but the conviction was set aside on appeal to the County Court on the ground that it appeared from the evidence that the liquor in question was supplied by one of defendant's employees without defendant's knowledge and contrary to his instructions.

*H'd.*, reversing the judgment of the County Court judge and restoring the conviction that the section of the Act is an absolute prohibition in the interests of the public to prevent the sale or supply of liquor to minors and that the act of the servant being within the scope of his duty, defendant was liable to the penalty provided by the Act, notwithstanding the fact that the servant acted without defendant's knowledge and in violation of his instructions.

*Meagher*, in support of appeal. *J. J. Ritchie*, K.C., contra.

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Full Court.] MATTHEWS v. CANADIAN EXPRESS CO. [Feb. 12.

*Carriers—Perishable article—Loss through unavoidable delay—Evidence—Findings of jury set aside—New trial.*

Defendants, an express company, undertook to forward a quantity of fresh fish for plaintiffs from Port Mulgrave, in the Province of Nova Scotia, to New York, and the evidence shewed that defendants spared no effort to have the fish forwarded with all possible despatch, but on account of the journals of the car, upon which they were placed, heating, the car was delayed at two