

The Ontario Act is an Act prohibiting the sale of liquor, and it exempts from its provisions any medicine prepared according to the Pharmacopœia which is so medicated as to prevent its use as a beverage. It contains no exemption in favour of patent medicines.

The Dominion Act does not license or sanction the sale of alcoholic patent medicines even when medicated; all that can be said is that it does not then prohibit the sale.

There is nothing in the two Acts that in any way clashes. If there were any conflict, the Ontario statute would have to yield. The Dominion has recognised the situation by enacting at the session just closed that any penalty under the Dominion statute shall be in addition to any penalty under any provincial law, and that the provisions of the Dominion statute "shall not be deemed to in any way affect any provincial law."

Motion dismissed with costs.

MCCALLAM v. FAIR—LENNOX, J.—SEPT. 27.

Principal and Agent—Fraudulent Dealing by Agent with Company-shares of Principal—Fiduciary Relationship—Restoration of Shares or Damages—Accounting for Dividends—Reference—Costs.]
—Action against George E. Fair and the Farrar Transportation Company Limited, for the wrongful conversion of 100 shares of the stock of the defendant company which had been purchased by the plaintiff. The defendant Fair was the managing director and secretary-treasurer of the defendant company. The action was tried without a jury at Owen Sound. LENNOX, J., in a written judgment, said that it was admitted at the opening of the trial that the plaintiff had no claim against the defendant company. Action dismissed as against the company, with costs fixed at \$50, subject to a taxation at the desire of either party, at the risk of the costs of the taxation. As to the defendant Fair, the learned Judge found that he (Fair) was the plaintiff's agent and occupied a fiduciary relationship towards the plaintiff; that one Allen, who was associated with Fair, never became a purchaser from the plaintiff of any of the plaintiff's shares; that the alleged sale, if sale it could be called, was by the defendant to the defendant; it was not a sale—the transaction was unauthorised, fraudulent, and void. Judgment to be entered as follows: (a) declaring that the alleged sale and purchase of 100 shares and the assignment or transfer thereof was unauthorised and fraudulent and was and