

*Held*, 1. Refusing the application with costs, that the stock subscriptions being conditional upon the arrangement for the union of the two bodies going through as a whole, and the project having fallen through, there was a failure of consideration and there was nothing to prevent the subscribers from recovering back the amounts paid by them.

2. The payment of the call, under the circumstances, did not waive the condition.

DRYSDALE, J., dissented.

Mellish, K.C., for liquidator. W. B. A. Ritchie, K.C., and Ralston, for contributories.

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Full Court.] THE KING v. WILSON. [April 5.

*Intoxicating liquor—Evidence of sale supporting conviction.*

The only point relied upon by defendant on appeal from a conviction for a violation of the Liquor License Act was that there was no evidence that a sale of the liquor in question took place in the town of B. as alleged.

The purchaser of the liquor swore that she bought the article from defendant and that it was delivered at her house in B. by the defendant's team, and another witness, the policeman of the town, swore that defendant's factory and residence were in the town of B. and that he put up bottled drinks there which were sold and delivered from there in the town of B.

*Held*, that the evidence was sufficient, and that the judgment of the County Court judge to the contrary should be set aside and the conviction affirmed.

Roberts, for prosecutor. McLean, K.C., for defendant.

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Longley, J.] KING v. McINTYRE. [April 26.

*Liquor License Act—Evidence.*

On the trial of an information or complaint for an offence against the provisions of the Liquor License Act, R.S.N.S., c. 100, the person charged is competent and compellable to give evidence but cannot be compelled to answer any question which may tend to criminate him.

The objection is a personal one and must be made by the party himself and not by his counsel.

Carroll, for plaintiff. Harrington and Chisholm, for defendant.