

Held, ROSE, J., dissenting on this point, (1) that the use of the words "quadruple plate" in the advertisement was an application of false trade description, in that the goods could not properly be described as such; (2) that there was evidence to show that the advertisement applied to these goods. *Regina v. The T. Eaton Co. (Limited)*, 276.

TRANSIENT TRADERS.

By-Law—Trading Stamps.
—See MUNICIPAL CORPORATIONS, 9.

TRIAL.

Good Friday—Dies Non Juridicus.—The evidence, at the trial of this action not being concluded before the close of the day preceding Good Friday, the Judge, counsel consenting and the jury desiring it, adjourned the Court to the following day, when he delivered his charge and received the verdict, on which he entered judgment:—

Held, that it was competent for him to do so.

The only day on which no judicial act can be done in this Province is the Lord's Day, or Sunday. Other statutory holidays are not *dies non-juridici* in this sense. *Poster v. Toronto Railway Co.*, 1.

See PATENT FOR INVENTION, 1.

UNDUE INFLUENCE.

Fiduciary Relationship—Onus—Presumption—Benefit.
—See GIFT.

USE AND OCCUPATION.

See COMPANY, 1.

VENDOR AND PURCHASER.

Purchase Subject to Mortgage—Indemnity—Executors and Administrators—Claim on Administrator—Limitation of Actions—R.S.O. ch. 129, s. 35.
—A sale of land for \$275 on which there was a mortgage for \$1,100, the conveyance being by the ordinary short form deed, the only reference to the mortgage being in the covenant for quiet enjoyment, was, under the circumstances, held to have been a sale subject to the mortgage, against which the vendor was entitled to be indemnified by the purchasers; and the plaintiff having acquired an assignment of such right of indemnity, he was entitled to enforce it against the purchasers.

Before the commencement of an action against the purchasers one of them died, and on the plaintiff notifying the administrator of his claim, he was served with a notice under s. 35 of R.S.O. ch. 129, the "Trustee Act," disputing it. An action was afterwards brought against such