

LICENSING ACT—SALE OF LIQUOR TO DRUNKEN PERSON—SALE BY SERVANT CONTRARY TO INSTRUCTIONS—EMPLOYER, LIABILITY OF, FOR ACT OF SERVANT—LICENSING ACT, 1872 (35 & 36 VICT., c. 94), SEC. 13—(R.S.O., c. 194, SEC. 73).

*Commissioners of Police v. Cortman*, (1896) 1 Q. B. 655, shows that even in the domain of criminal law a person who has a statutory duty to perform cannot by delegating it to another escape responsibility for the breach of duty, although the breach be committed by his servant contrary to his instructions. In this case the breach complained of was the sale of intoxicating liquor to a drunken person contrary to the provisions of the License Acts (see R.S.O., c. 194, sec. 73). It appeared that the sale had been made by the defendants' bar keeper in his absence, and contrary to his express instructions. The magistrate before whom the complaint was made doubted whether under the circumstances the defendant could be convicted, but the Court (Lord Russell, C. J., and Wright, J.) held that the defendant was guilty of the offence charged, and should be convicted, the act of the servant being within the scope of his employment.

PROBATE—FOREIGN WILL—GERMAN LAW—PROBATE OF COPY.

*In the goods of Von Linden*, (1896) P. 148, application was made for probate of a foreign will of a deceased German domiciled in Wurtemberg—which had been proved in Wurtemberg in accordance with the local law and deposited with a notary, who by the law of the country was forbidden to part with its custody. It contained a direction that during the life of the applicant (his widow) she should enjoy the usufruct of his estate without giving security, which according to the local law entitled her to collect the personal estate as if it were her own. Part of the personalty was in England. Jeune, P.P.D., held that the widow was executrix according to the tenor and probate of a copy of the will was granted to her limited to such time as may elapse before the original will is brought in.