

Where, therefore, in an action on a promissory note, which involved an investigation of accounts, and was therefore properly triable without a jury, an order was made in chambers directing such notice to be struck out.

*W. N. Ferguson*, for plaintiff. *W. M. Hall*, for defendant.

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Meredith, C.J.C.P.]

RE GAMBLE

[Dec. 8, 1906.]

*Will—Devise to two devisees—Death of one before testator—Lands and personalty—Tenants in common—Joint tenants—Survivorship.*

A testator, by his will, amongst other devises, devised certain land to two sisters naming them, to whom he also gave his residuary estate. One of the sisters predeceased the testator.

*Held*, that as regards lands the sisters would take as tenants in common, and therefore as to the deceased sister's share therein there would be a lapse, but as to the personalty they would take as joint tenants, and the surviving sister took the whole by survivorship.

*H. Morrison, Malcolmson and Harcourt*, for various parties.

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Boyd, C.]

RE CRICHTON.

[Dec. 15, 1906.]

*Medical practitioner—Infamous and disgraceful conduct in a professional sense—Erasing name from register—Advertising secret remedy—Deceitful and fraudulent advertising—Mistrial—Appeal to Divisional Court.*

The charge laid under s. 33 of the Ontario Medical Act, R. S.O. 1897, c. 176, against a medical practitioner, was, that he was guilty of "infamous and disgraceful conduct in a professional respect," in advertising a secret remedy, called "Grip-pura," which the advertisement claimed would cure grippe or influenza, and would assist in curing a number of other diseases, while the finding against him was, that he was guilty of deceitful and fraudulent advertising, for which his name was ordered to be struck off the register.

*Held*, on appeal to a Divisional Court, under s. 36 of the Act,