

to unconditional leave to defend. The defendant objected that the claim was not "a debt or liquidated demand," and therefore not the subject of "special indorsement," but the Court of Appeal (Cozens-Hardy, M.R., and Farwell, L.J.) overruled this objection. But on the point of the sufficiency of the affidavit filed in support of the motion, the Court of Appeal were in defendant's favour, and held that under Rule 115 (Ont. Rule 603) an affidavit founded on information is not sufficient to give the court jurisdiction, it not being an affidavit by "a person who can swear positively to the debt or cause of action."

SUNDAY OBSERVANCE—CONSENT TO PROSECUTION—SUNDAY OBSERVANCE PROSECUTION ACT, 1871 (34-35 Vict. c. 87), ss. 1, 2 AND SCHEDULE—(R.S.C. c. 153, s. 17).

*The King v. Halkett* (1910) 1 K.B. 50. In order to prevent oppressive prosecutions for non-observance of the Lord's Day Act (29 Car. II. c. 7), it is provided by the Sunday Observance Prosecution Act, 1871 (34-35 Vict. c. 87) that no prosecution is to be brought under 29 Car. II. c. 7, without the consent of the chief constable or other officer by whatever name called, having the chief command of the police in the police district. In this case the chief constable was away on his holidays, and a superintendent of police was discharging his duties during his absence, but the Divisional Court (Lord Alverstone, C.J., and Darling and Bucknill, JJ.) were of the opinion that his consent was not sufficient under the statute to warrant a prosecution, and the conviction was quashed. A similar provision is to be found in R.S.C. c. 153, s. 17, and from this case it would appear that no one but the Provincial Attorney-General in person is competent to give a consent under that section.

MONEY PAID UNDER MISTAKE OF FACT—MUTUAL MISTAKE—ACTION TO RECOVER MONEY PAID UNDER MISTAKE—STATUTE OF LIMITATIONS—WHETHER NOTICE TO OPPOSITE PARTY OF MISTAKE IS NECESSARY TO COMPLETE CAUSE OF ACTION—9 GEO. IV. c. 14, s. 4—(R.S.O. c. 146, s. 5).

*Baker v. Courage* (1910) 1 K.B. 56. In this case the plaintiff was a licensed victualler and the defendants a brewery company. In February, 1869, the plaintiff being a lessee for a long term of a public house subject to a mortgage to the defendants, acquired the reversion; £1,000, part of the purchase money, being secured