

from carrying out an arrangement entered into with a bookmaker named Jackson. The material points of the arrangement were that Jackson should be allowed to carry on his business as a bookmaker at a race meeting to be held on the defendants' race track at Victoria, provided that he carried on his betting operations at no fixed spot on the race track, but kept moving about. He was, however, to be allowed to pay off his bets at a booth on the track.

Held, 1. following *Rex v. Moylett* (1908) 15 O.L.R. 348, that the proposed method of betting was legal.

2. The booth from which it was proposed to pay off the bets was not a common betting house within the meaning of section 227 of the Code.

Semble. A corporation cannot be convicted of keeping a common betting house under sections 227 and 228 of the Code.

Helmcken, K.C., for plaintiff. *H. W. R. Moore*, for defendants.

Clement, J.]

[Sept. 10.

WILLIAMS v. WILLIAMS AND HUTTON.

Divorce—Practice—Damages—Assessment of—Jury—Divorce and Matrimonial Causes Act.

The parties in an action for divorce consented to an order that the trial should take place before a judge without a jury. A decree for a divorce having been pronounced, the judge proceeded to assess the damages, when the co-respondent invoked s. 33 of the Divorce and Matrimonial Causes Act (20-21 Vict. c. 85) which provides that the damages to be recovered in any such petition (for divorce) shall in all cases be ascertained by the verdict of a jury.

Held, that, having allowed the order for trial without a jury to go, he was estopped from availing himself of this provision.

McIntyre and *Brown*, for petitioner. *Tiffin*, for respondent. *Davis*, K.C., and *C. B. Macneill*, K.C., for co-respondent.

Bench and Bar.

JUDICIAL APPOINTMENTS.

Francois Octave Dugas, of the Town of Joliette, of the Province of Quebec, to be puisne judge of the Superior Court in and for the Province of Quebec, vice the Hon. Charles Chamilly DeLorimier. (Sept. 6, 1909.)