

*denfeldt v. Maxim Nordenfeldt & Co.* (1894) A.C. 535; *Mogul Steamship Co. v. McGregor* (1892) A. C. 25; *Collins v. Locke*, 4 A.C. 674, and *Elliman v. Canington* (1901) 2 Ch. 275, followed.

*Macneill*, for plaintiff. *F. M. Burbidge*, for defendants.

Full Court.]

MILLER v. SUTTON.

[Nov. 28, 1910.]

*Vendor and purchaser—Cancellation of agreement.*

Appeal from judgment of PRENDERGAST, J., noted, vol. 46, p. 744, dismissed with costs.

Full Court.]

[Dec. 14, 1910.]

IN RE RURAL MUNICIPALITY OF PORTAGE LA PRAIRIE.

*Local option—Liquor License Act—Appointment of scrutineers.*

Appeal from judgment of MATHERS, C.J., noted, vol. 46, p. 464, allowed with costs, the court holding that the omission from the by-law of any provision for the appointment of scrutineers to attend at the polls and at the summing up of the notes as required by s. 377 of the Municipal Act, was a fatal defect in it, notwithstanding that scrutineers had actually been appointed and acted as such; also that the defect was not covered by the curative provisions in s. 200 of the Act.

*Re Bell and Corporation of Elma*, 13 O.L.R. 80, followed.

*Burbidge*, for applicant. *Fullerton and McWilliams*, for the municipality.

Full Court.]

[Dec. 14, 1910.]

KING v. QUONG TONG SHING.

*Criminal law—Summary trial—Common gaming house—Police magistrate—Jurisdiction—Excessive fine—Amendment.*

A police magistrate, though he belongs to the class of officials designated in s. 777 of Crim. Code who may try summarily, with the consent of the accused, a great number of serious indictable offences, can only try summarily without his consent a person charged with the indictable offence of keeping a common gaming house under the powers conferred by ss. 773 and 774 as re-enacted by c. 9 of 8 & 9 Edw. VII. and s. 781 limits