

name of a person who has not paid his taxes it is his duty to strike it from the list of voters to be delivered to the presiding officer for the purposes of the election.

It is a wrong view of the statute to strike from such list the names of persons whose names are not to be found on the rate or poll books of the town.

Where the result of an election is attacked it is not necessary for the person attacking it to shew that the persons whose names were struck off attempted to poll their votes and were prevented from doing so.

Persons whose names are so struck off are not within the provision (s. 131 (2)) providing for application to the town clerk for the insertion of names inadvertently left off.

Where on the trial of a controverted town election the trial judge rejected evidence which would have shewn how many of the persons struck off by the clerk were delinquents with respect to the payment of their taxes.

*Held*, that the case must go back to enable the petitioner to shew that the persons whose names were so struck off were not delinquents.

Per RUSSELL, J., the election having been run on lists which were shewn to have been made upon a wrong principle should be declared void.

*J. M. Cameron*, for appeal. *Lovett, K.C.*, contra.

Full Court.]

REX. v. OGILVIE.

[Feb. 4.

*Intoxicating liquors—Evidence of sale—Partnership—Presumption of knowledge—Parties—Non-joinder.*

Where a quantity of liquor proved to be intoxicating was delivered by a teamster in the employ of defendant and the firm of which he was a member to a customer of the firm and the books of the firm and the accounts rendered shewed the sale although the customer testified that he had nothing to do with defendant personally,

*Held*, 1. reversing the judgment of the County Court judge for District No. 7 and restoring the conviction, that the evidence was sufficient to support the conviction.

2. Each member of a firm is presumed to know what is entered in the books of the firm and of money payments made to it.

3. The non-joinder of one member of a firm in a prosecution