

Bank to Mitchell. No claim had been made against the testator in respect to this suretyship, but after his death a claim was made by the Bank against his estate for £4000 and the executors paid £3100, part of the amount claimed, and the present proceeding was for the purpose of determining whether notwithstanding the release of debts, the executors were entitled to deduct the amount so paid from moneys coming to J. J. Mitchell out of the estate. Parker, J., held that until a surety had paid something under his guarantee there is no debt at law, but only a right to go into equity to compel the principal to indemnify the surety against the liability. Therefore he held that the release of debts did not bar the right of the executors to retain the legacy payable to J. J. Mitchell in order to make good pro tanto what they had paid the Bank.

DENTIST—UNREGISTERED PERSON ACTING AS DENTIST—NAME OR TITLE OF DENTIST—DESCRIPTION IMPLYING THAT A PERSON IS REGISTERED—DENTISTS ACT, 1878 (41-42 VICT. c. 33), s. 3—
—(1 GEO. V. c. 39, ss. 18, 25, ONT.)

Robertson v. Hawkins (1913) 1 K.B. 57. The defendant in this case was neither a registered dentist nor a duly qualified medical practitioner, but carried on dentistry, and was applied to by the plaintiff, who was in the employment of a municipal council and whose teeth were defective, for a certificate that his teeth were in a satisfactory state. He told the defendant he was required to get a certificate from a registered dentist, and produced a paper containing the requirements, which the defendant read. The defendant examined the plaintiff's teeth and extracted some, and assured him that he had given hundreds of such certificates to the Post Office, and that he would give the plaintiff the certificate required, when he returned on a subsequent day to have his teeth finished. The defendant did not at any time, either in writing or orally, state that he was a "dentist" or "a registered dentist," or state that he was a person specially qualified to practise dentistry, nor did he, in fact, give the required certificate, and the magistrate refused to convict. The Divisional Court (Lord Alverstone, C.J., and Channell and Avory, JJ.), however, held that the defendant had committed an offence, and that when he was informed by the plaintiff that he required the certificate of a registered dentist, what the defendant did was, in fact, to hold himself out as being a registered dentist competent to give the required certificate, and the case was, therefore, remitted with a direction to convict.