

Falconbridge, C.J.] COUNSELL v. LIVINGSTON.

[Nov. 6.]

Promissory note—Notice of dishonour—Sufficiency—Husband and wife.

Action to recover the amount of a promissory note for \$3,500 made by one of the defendants and indorsed by the other two. Notice was given to one of the indorsers on the day after the maturity of the note, as follows: "I beg to advise you that Mr. T. C. Livingston's note for \$3,500 in your favour and indorsed by yourself and wife, and held by our estate, was due yesterday. As I have not received renewal, will you kindly see that same is forwarded, with cheque for discount, as there is no surplus on hand."

Held, a sufficient notice of dishonour to the indorser to whom it was addressed, and also to his wife, as he was her agent.

Judgment for the plaintiff against all three defendants, with interest and costs.

E. Martin, K.C., and *D'Arcy Martin*, for plaintiffs. *L. F. Heyd*, K.C., for defendant Thomas C. Livingston. *G. Lynch-Staunton*, K.C., for other defendants.

GENERAL SESSIONS OF THE PEACE, COUNTY OF YORK.

McDougall, Chairman.]

[Nov. 2.]

FOSTER, Appellant v. ROSE, Respondent.

Ontario Medical Act—Use of title "Doctor."

The appellant had been convicted by the Police Magistrate of the City of Toronto on the information and complaint of the respondent for unlawfully taking and using a name, title and description, implying and calculated to lead people to infer that he was registered under the Medical Act, R.S.O. c. 176, and that he was recognized by law as a physician, surgeon and a licentiate in medicine or surgery.

The only evidence given upon the original hearing which in any way pointed to guilt was that of the informant who swore that the appellant made use of the sign "Dr. Foster" on the door of his place.

Held, that his assumption of the title "Doctor," without supplemental words, from which it might be gathered that a particular meaning was intended, did not bring the appellant within the Act; and the conviction was, therefore, quashed.

Du Vernet, for appellant. *Curry*, K.C., for respondent.

McDougall, Chairman.]

[Nov. 2.]

PRUST, Appellant; ROSE, Respondent.

Ontario Medical Act—Act complained of done by salaried clerk of druggist.

The appellant had been convicted by the Police Magistrate for the City of Toronto on the information and complaint of the respondent of a violation of the Medical Act, R.S.O. c. 176, s. 49.