

pality; or where he does not sleep in the same bed two nights in succession, but always in the same city, unless he is temporarily absent from it in pursuit of his lawful calling, he must be held to be on the same footing as a commercial traveller having his domicile in St. Thomas. There is no other way of giving a proper and liberal construction to the Act in question, for it never could, with reason, be insisted that young men pursuing an industrious, honest calling which necessarily takes them often from home, as do the employees of railroad companies, possibly could, by this Act, be placed in a position of disadvantage compared with that of the uncertain class of young men familiarly styled "loafers," who eat, drink, and sleep, and smoke cigars in the city at the expense and by the thrift and industry of some one else, but who do nothing whatever to earn their own livelihood, and who are the drones in the city's hive—who are consumers and non-producers of anything that is good or profitable to society, but who are held to be entitled to the suffrage on the principle of counting heads!

I therefore agree in this matter in the opinion expressed by His Honour Judge Ermatinger, that this appeal should be allowed, and that the appellant be certified as entitled to the manhood suffrage.

Notes of Canadian Cases.

SUPREME COURT OF JUDICATURE FOR ONTARIO.

HIGH COURT OF JUSTICE.

Queen's Bench Division.

Div'l Court.]

[June 21.

WILLIAMS v. THOMAS.

Landlord and tenant—Rent—Distress—Action for conversion—Evidence—Finding of trial judge—Non-interference with—Double value of goods distrained—Chattel mortgage—Jus tertii—Assessment of damages—Recovery of amount received from sale of goods—Claim and counterclaim—Judgment—Set-off.

In an action by a tenant against his landlord for a wrongful distress in October, when no rent was due, as the plaintiff alleged, until December.

Held, that although the direct evidence of the defendant and his wife that the rent was due in October, before the distress, was corroborated by the fact that in the previous years of the tenancy the plaintiff had always paid his rent before December, the finding of the trial judge, that the defendant and his wife were not worthy of belief, and that no rent was due at the time of the distress, could not be reversed.

There was no allegation in the statement of claim that the action was brought upon 2 W. & M., sess. 1, c. 3, s. 5, nor that the goods distrained were