

Div'l Court.]

WILKINSON v. WILSON.

[Dec. 21, 1894.]

*Land—Bedroom, etc., in dwelling house—Right of occupation—Duration of.*

J. W. conveyed to his son A. W. certain farm lands, but subject to a life estate to himself therein, and subject also, amongst other things, to the use by another son, S. W., of a bed, bedroom, and bedding in the dwelling house on said farm, and to board so long as he should remain a resident on said farm, etc.

*Held*, that the plaintiff took no estate under the deed, but merely the use, after the termination of the father's life estate, of the bedroom, etc., and board while resident on the land; that no period was fixed for such occupation, and, therefore, no forfeiture was created by his not occupying for any period.

*Neville* for the plaintiff.

*W. A. Douglas*, *contra*.

Div'l Court.]

REGINA v. SLATTERY.

[Dec. 21, 1894.]

*Liquor License Act—Having liquor for sale, etc.—Manager of club—Liability.*

Section 50 of the Liquor License Act, R.S.O., c. 194, which forbids the keeping or having in the house, etc., any liquors for the purpose of selling, etc., by any person unless duly licensed thereto under the provisions of the Act, does not justify a conviction of the manager of a club incorporated under the Ontario Joint Stock Companies Letters Patent Act, who had the charge or control of the liquor merely in his capacity of manager, the act of keeping, etc., being that of the club, and not of the manager.

*DuVernet* for the applicant.

*J. R. Cartwright*, Q.C., *contra*.

Div'l Court.]

COLE v. HUBBLE.

[Dec. 21, 1894.]

*Action for carnal connection by force—Previous acquittal for rape—No defence to action—Amendment.*

In an action for enticing away the plaintiff's daughter and carnally knowing her, the plaintiff, against the protest of the defendant, was allowed, at the close of the case, and after the addresses of counsel, to amend by setting up as an alternative cause of action the enticing away of the daughter and connection with her by force and against her will, and consequent loss of service. No application was made by defendant to put in further evidence, nor any suggestion made that he was in any way prejudiced by the amendment.

*Held*, that the amendment was properly allowed.

*Held*, also, that the fact of the defendant having been previously acquitted on a criminal charge of rape constituted no defence to the action.

*Mickle* for the plaintiff.

*Clute*, Q.C., for the defendant.