

have omitted through over-sight to consider some undisputed fact, or must have disregarded some plain principle of law applicable to the facts.

The County Judge on such an application, and therefore the Court on appeal from his decision upon it, should not be asked to review his verdict as a juror, but only to correct it when it should have been set aside if rendered by a jury, or when it has been due to some oversight, error or misconception.

The fact of the recovery by another plaintiff of commission in respect of the same sale was *res inter alios acta*, and was not in itself material.

*Metcalfe*, for plaintiff. *Wilson*, for defendant.

Full Court.]

QUEEN v. HERRELL.

[June 12.

*Liquor License Act, R.S.M., c. 90, ss. 147, 149 — Druggist selling liquor without license—Evidence—Pharmaceutical Act, R.S.M., c. 116, s. 38.*

Defendant was convicted under s. 147 of the Liquor License Act, R.S.M., c. 90, of having sold liquor without a license.

On the argument of a rule nisi for a writ of certiorari to quash the conviction, the objection relied on was that defendant was a registered druggist under the Pharmaceutical Act, R.S.M., c. 116, and so, by virtue of s. 149 of the Liquor License Act, was entitled to sell intoxicating liquors under certain conditions, and that he should have been charged and convicted, if at all, only for a breach of those conditions.

The only evidence given by defendant on this point was his statement that he was a duly registered druggist.

*Held*, that the objection, if otherwise valid, failed because it was not strictly proved that defendant was a druggist under the Pharmaceutical Act. S. 38 provides a method of proof of such registration by production of a printed copy of the register, but this was not done, nor was the register itself produced, nor was there any evidence that defendant had ever seen it. Rule nisi discharged with costs.

*Patterson*, for magistrate. *Ashbaugh*, for defendant.

Full Court.]

IN RE MORDEN ELECTION.

[June 12.

RUDELL v. GARRETT.

*Municipal Act, R.S.M., c. 100, s. 51—Qualification of mayor or councillor—Leasehold interest.*

The County Court Judge having declared the election of defendant as mayor of the village of Morden void for want of the necessary property qualification as required by s. 51 of the Municipal Act, R.S.M., c. 100, he