

Divisional Court, K.B.]

[April 30.]

NEWMAN v. GRAND TRUNK RY. CO.

*Railway—Carriage of goods—Condition of contract—Misprint.*

Appeal by plaintiff from the judgment of TEETZEL, J. (20 O.L.R. 25), dismissing the action without costs. Owing to an obvious mistake the word "or" appears instead of "are" in a clause of the terms and conditions printed on the back of the defendants' shipping bill. In this form it received the approval of the Board of Railway Commissioners for Canada, and the mistake was perpetuated in the forms used by the defendants. The action was for a declaration that the whole clause was thereby rendered insensible and meaningless.

*Held*, that the appeal must be dismissed as under the authorities the provision could not be reduced to a nullity by an obvious mistake.

H. D. Smith, for plaintiff. W. E. Foster, for defendants.

Boyd, C.]

PIGGOTT v. FRENCH.

[May 2.]

*Defamation—License inspector—Notice not to supply intoxicating liquor to plaintiff—Information by person not within the statute—Notice of action—Public officer exceeding jurisdiction.*

Action by plaintiff, a grocer in the town of Wallaceburgh, against the license inspector of the county of Kent to recover damages for the issue of a notice to the hotelkeepers of the county not to supply the plaintiff with intoxicating liquor. 6 Edw. VII. s. 33, provides as to what persons who may give the notice, or require the inspector to give the notice to vendors of liquor not to deliver liquor to the person having an inebriate habit. One McKnight, who did not come within the list of persons referred to in the above section, although a connection of the plaintiff's by marriage, required the defendant as inspector to give the notice. The inspector believing that McKnight came within the statute gave the notice.

*Held*, 1. Following *Connors v. Darling*, 23 U.C.R. 541, that the defendant was liable inasmuch as the statute afforded no protection, McKnight, who initiated the proceedings not coming within its terms, and who had no more authority to intervene than a stranger.