CLUTE, J.:—The question simply is, did the plaintiff's mind go with the terms of the paper which he signed, and was he aware of its effect? The plaintiff's claim was for a definite number of weeks and not a claim for his injuries, whatever, they might be, more or less, and the letter inclosing the cheque treats it as such. I do not think the defendants are entitled to set up the form of receipt as a bar to the plaintiff's action for reasons indicated. That the plaintiff is suffering and has suffered from serious ill-effects from the injuries, which were not contemplated or taken into consideration at the time of the settlement, is, I think, beyond doubt and for this he is entitled to recover. Judgment for plaintiff for $1,260 and costs.

McKeown, for plaintiff. *Blackstock*, for defendant.

COUNTY COURT OF GREY.

REX *v.* MORRISON.

Liquor License Act, s. 125—*Sale to an inebriate—Evidence.*

On an information that the defendant being a license holder did unlawfully deliver liquor to one W. said W. being a person having the habit of drinking liquor to excess and upon whom and concerning whom had been served upon the defendant the notices prescribed by s. 125 of the Liquor License Act no evidence was given at the trial that the person had the habit of drinking to excess.

Held, that such evidence was necessary to secure a conviction.

[OWEN SOUND, April 15—Hatton, Co. J.

Appeal from a conviction made by two justices of the peace at the town of Meaford dated March 23, 1909, for a violation of s. 125, sub-s. 5 of the Liquor License Act. The defendant, a licensed hotel keeper, on Feb. 8, 1909, sold and delivered at his licensed premises two glasses of beer to one W. concerning whom a notice was served by the license inspector under s. 125 of the Liquor License Act. At the trial it was objected that no evidence had been adduced that W. was a person who had the habit of drinking to excess and the conviction was made notwithstanding this objection the magistrates holding that the service of the notice was sufficient.

Sutherland, for the respondent, tendered evidence on the appeal that W. was a person having the habit of drinking to excess.

HATTON, Co.J.—That question having been raised and argued at the trial and no evidence having been given on the point it is too