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## DECISIONS IN COMMERCIAL LAW.

REG. V. WALSH. — Judgment by Common Pleas Divisional Court, on motion to quash summary conviction of defendant by the Police Magistrate of the City of Ottawa, for "disposing" of intoxicating liquor upon the defendant's licensed premises during prohibited hours. The question raised was whether, under the Liquor License Act, upon the facts found by the Magistrate there was an offence at all. The Magistrate found that the defendant gave the liquor away to friends in his hotel on a Sunday; that there was no sale or disposal in nature of a sale, and no request from the persons to whom it was given. Defendant contended that the words of the section "sale or other disposal" did not include such a gift. The Court held that the word "disposal" was to be taken in its natural sense, uncontrolled by the word "sale" which preceded it, and so taken was wide enough to include a gift. The object of the enactment was to keep licensed premises closed in certain hours, to forbid any intoxicating liquor to be poured out in such hours. The provisions of the Act, with regard to liquor on polling days and liquor on boats, were in *pari materia*, and a construction must necessarily be put upon those sections which would forbid the giving away of liquor on polling days or on ships. Motion dismissed with costs.

MILES V. ANKATELL. — Judgment by the Chancery Divisional Court on appeal by defendant, William T. AnkateLL, from judgment of Armour, C.J., in favor of plaintiff in an action upon a mortgage, in which he claimed foreclosure and a declaration that certain erections upon the mortgaged premises, placed there by the appellant, the husband of the owner of the equity were affixed to the freehold and part of the mortgaged security. The erections were wooden shops or houses, placed there, as the appellant contended, for a temporary purpose, by the license of his wife and without the intention on his part that they should become fixtures. The premises are in Shirley street, in the City of Toronto. The building in question is a wooden structure of thin clapboard lathed and plastered, and divided into three rooms, placed on loose bricks laid on the soil, which was, perhaps, somewhat levelled to make a foundation for it. It was first used as a shop or store, and then turned into a dwelling-house, and this was rented for a while by the mortgagor and her husband. The building could easily be moved and little or no injury would be done to the soil. Held that it was not in fact affixed or annexed to the soil, but was merely a chattel, which might be moved at any time. If it is a chattel, then, according to the rule, the onus is on the plaintiff to show that it cannot or ought not to be removed as against him. So far he shows nothing, and the evidence of intention with which it was placed on the ground by the husband, and the other circumstances of its temporary and unsightly character, repel the conclusion that it is to be deemed constructively attached to the freehold. Appeal allowed and judgment below reversed on this point, and appellant to be at liberty to remove the chattel at his own expense.

A NUMBER of Anprior citizens have been granted letters patent for the Diamond Park Mineral Water Co., Limited., capital, \$20,000, to sell mineral water, put up baths, etc. The parties are John A. Macdonald, R. G. Moles, Wm. Allan, J. G. Cranston and Claude McLachlin.

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