

From Divisional Court.]

[March 2.

ALDRICH v. CANADA PERMANENT LOAN COMPANY.

Mortgage—Sale—Negligence—Sale of two lots in one parcel.

A mortgagee who sells in one parcel a farm and a shop in a village nearly three-quarters of a mile away, not in any way used together, is liable for the difference between the amount realized and the amount that would have been realized had the farm and shop been sold separately.

Judgment of the Divisional Court, 27 O.R. 548, affirmed, BURTON, J.A., dissenting.

W. Cassels, Q.C., and G. A. McKennie, for the appellants.

C. Macdonald, for the respondent.

From BOYD, C.]

[March 11.

ELLIS v. TOWN OF TORONTO JUNCTION.

Municipal corporations—Police magistrate—Salary—R.S.O. c. 72, ss. 5, 28.

This was an appeal by the plaintiff from the judgment of BOYD, C., reported 28 O.R. 55, and was argued before BURTON, OSLER, and MACLENNAN, J.J.A.

At the conclusion of the argument the appeal was dismissed with costs, the Court agreeing with the reasoning of the judgment appealed from.

Raney, for the appellant.

Going, for the respondents.

COURT OF APPEAL.

(SECOND DIVISION.)

MEREDITH, C.J., ROSE, J., }
MACMAHON, J. }

[March 11.

BOWIE v. GILMOUR.

Action for price of goods sold—Illegal object of sale—Sale of liquor to unlicensed dealer.

Action to recover price of ale sold to the defendant, a dealer in liquor, by the plaintiffs, who were duly licensed brewers. After the order was booked, and at the same interview, the plaintiffs were informed by the purchasing agent of the defendant that the defendant had no license to sell. The defendant pleaded that the ale was supplied to her for the purpose of its being sold by her in contravention of the Ontario Liquor License Act.

Held, that the delivery of the ale having taken place with the knowledge of the illegal purpose to which the defendants intended to apply it, and having been made for the purpose of enabling her to carry out that object, the plaintiffs could not recover.

Moss, Q.C., and Mactavish, Q.C., for defendant appellant.

Buell, for the plaintiffs.