

of possession who has the legal estate. The only reason why the legal title does not pass is that it would be against the common law principle that a lawsuit cannot be sold. If the plaintiff has the equitable title, and there is a competition between his equities and those of the defendant Frederick Sweeney, I think those of the plaintiff must prevail. It was the action of the latter with reference to the property that made it possible for the defendant Jacob Sweeney to procure the accommodation from the plaintiff on the strength of the apparent legal and equitable title, and he must suffer the consequences. An amendment of the particulars of notice was asked for at the trial, which I granted, although considering it unnecessary, and as every possible ground of recovery and defence was fully raised at the trial, any other amendment in the pleadings necessary to cover the facts brought out and secure a decision on the real merits of the case should be made.

NOVA SCOTIA.

COUNTY COURT FOR DISTRICT No. 7. OCTOBER 20TH, 1909.

REX v. MICHAEL McISAAC.

N. S. Liquor License Act—Infringement—Social Club—Sale of Liquor by Secretary without License—Liability.

This is an appeal from the Stipendiary Magistrate's Court for the city of Sydney.

R. M. Langille, for appellant.

Finlay McDonald, for informant.

FINLAYSON, Co.C.J.:—The defendant was convicted for selling liquor without a license contrary to the provisions of the Nova Scotia Liquor License Act.

The defendant is secretary of "The Highland Club," a body corporate, incorporated for the promotion of social intercourse among its members, to provide them with reading rooms and with such amusements as the managing committee may determine.

The membership of the club at this time was about one hundred; each shareholder is a member of the club and has a number corresponding to the number of his stock certificate. There does not appear to be any entrance fee or yearly subscription. The purchase of one share of stock entitles a per-