

## REPORTS AND NOTES OF CASES.

**Province of Ontario.****SUPREME COURT—APPELLATE DIVISION.**

Mulock, C.J.Ex., Clute, Riddell, Sutherland,  
and Leitch, JJ.] [12 D.L.R. 588.

**HILL v. RICE LEWIS & SON.**

*Negligence—Dangerous agencies—Defective cartridges—Liability  
of seller.*

A retail vendor is not answerable for personal injury sustained by the purchaser of a sealed box of cartridges of a certain description and make, as the result of the box containing one cartridge of a different kind and of the explosion of the cartridge after it had missed fire because of its being the wrong size, where the plaintiff relied solely on his own judgment and not that of the vendor, in making the purchase.

*The Moorcock*, L.R. 14 P.D. 64, and *Hamlyn v. Wood*, [1891] 2 Q.B. 488, applied.

*J. W. McCullough*, for plaintiff. *J. D. Montgomery*, for defendants.

**Province of Alberta.****SUPREME COURT.**

Harvey, C.J., Scott, Simmons, and Walsh, JJ.] [12 D.L.R. 598.

**RE CLEARWATER ELECTION (No. 2).**

1. *Elections—Disputed ballots—Duty of whom to count.*

Under the Alberta Election Act, 9 Edw. VII, ch. 3, it is the duty of the returning officer and not of a deputy returning officer or of a court of inquiry, to open envelopes containing disputed ballots allowed by such court, and count them. (*Per Scott, Simmons, and Walsh, JJ.*)

*Re Clearwater Election*, 11 D.L.R. 355, affirmed in part.

2. *Mandamus—Subject of relief—Election—Performance of duty,  
by returning officer.*

Mandamus will not lie, under sec. 235 of the Alberta Election Act, 9 Edw. VII. ch. 3, to compel a returning officer to open