

mental store on the corner of Yonge and Queen streets, Toronto. Lusk is a duly qualified pharmaceutical chemist, registered under the Pharmacy Act, and who has a certificate under sec. 18. He was to receive one per cent. of the net profits from all sales of medicine containing poison, and also a salary, and was to have absolute control of the medicines containing poison, which were in a portion of the building partitioned off from the general store, and the key of that portion was kept by Lusk. The information charged that defendant did "unlawfully keep open shop for retailing, dispensing, and compounding poison contrary to the provisions of the Pharmacy Act." Held, that defendant kept open shop within meaning of 24th sec. of the Act. Case remitted to Police Magistrate. No costs.

BLAND v. MUTUAL RESERVE LIFE ASSOCIATION.

Principal and agent—Authority of agent for insurance company—Note given for premium and subsequent refusal of risk—Return of note.

Lynch-Staunton (Hamilton), for defendants, appealed from judgment of County Court of Wentworth. The plaintiff had applied to defendants' agent for a policy of insurance, giving him two promissory notes for \$80, payable six and twelve months after date respectively. The half year's premium on the policy applied for was \$40, and the plaintiff alleged that the defendants declined the risk and sued to recover the notes or their value. The trial judge found that the proceeds of the notes were deposited by the agent in the bank to the credit of

the local treasurer of defendants; that, whether or not the agent received the notes as the defendants' agent, he retained them as their agent; and that by reason of the company's defendants having subsequently demanded payment of the premiums with a knowledge of the facts and of the discount of the notes, and for other reasons given in his judgment, the defendants were bound as principals; and he gave judgment for the return of the notes or payment of the amount of them. P. D. Crerar (Hamilton), for plaintiff, contra. Appeal dismissed with costs.

McVITTIE v. O'RIEN.

[15TH JUNE, 1896.]

Recovery of penalties for neglect to perform duties as clerk under Voters' List Act, 1889—Right to plead the provisions of R. S. O. c. 73.

Watson, Q.C., for defendant, appealed from order of Falconbridge, J., affirming order of Master in Chambers refusing leave to defendant to plead the provisions of R. S. O. ch. 73, in action against a clerk of the townships of Drury, Denison, and Graham, to recover penalties for alleged neglect in the performance of his various duties under the 35th and 36th sections of the Ontario Voters' Lists Act, 1889. W. H. P. Clement, for plaintiff, contra. Appeal dismissed. Costs to plaintiff in any event.

NEVILLE v. SHIELDS.

Chattel mortgage—Description of cattle—"One smaller red cow, etc., etc."

Ludwig. for defendant. ap-