

opening his premises for the carrying out of a material part of the contract during prohibited hours, he had committed a breach of the Act, but Ridley, J., dissented from that view, holding that the delivery of the beer formed no part of the contract for its sale.

CRIMINAL LAW—LARCENY—PRETENDED PURCHASE—PASSING OF PROPERTY.

The King v. Tideswell (1905) 2 K.B. 273 was a prosecution for larceny under the following circumstances. The prisoner was in the habit of buying accumulations of ashes from a manufacturing concern, which were to be paid for by weight as ascertained by the company's weigher. The company's weigher in collusion with the prisoner fraudulently weighed and delivered to the prisoner 32 tons 13 cwt. of the ashes and entered the weight in the book as being 31 tons 3 cwt. only. The Court for Crown Cases Reserved (Lord Alverstone, C.J., and Lawrence, Kennedy, Channell and Phillimore, JJ.,) held that the prisoner was rightly convicted of stealing 1 ton 10 cwt. The chief point of difficulty in the case was whether the property in the ashes had passed to the prisoner by the terms of sale, and the Court held that it had not, because the ashes had not been sold in bulk, but it was understood that the quantities sold were to be defined by weighing.

THIRD PARTY—INDEMNITY—POLICY OF REINSURANCE—RULE 170
—(ONT. RULE 209):

In *Nelson v. Empress Assurance Corporation* (1905) 2 K.B. 281 the defendant was sued on a policy of insurance, and obtained leave to serve a third party notice on one Faber with whom he had reinsured the risk. The third party applied to set aside the notice and Bigham, J., dismissed the application, but the Court of Appeal (Mathew and Cozens, Hardy, L.JJ.), held that the leave should not have been granted, as the claim of the defendant against Faber was not a contract of indemnity. Possibly under the Ont. Rule 209 which extends not only to claims for indemnity or contribution, but also to claims for "other relief over," a third party might be added in respect of such a claim.