

and timber" as employed in sub-section 1 of section 2 of The Woodmen's Lien Act, 1894, were not intended to include deals or other manufactured lumber.—(*Per* Hanington and Landry JJ., Tuck C. J. dissenting). *Baxter v. Keinede*, 35, p. 179.

**"Malt liquor"**—Beer manufactured from malt, although not in fact intoxicating, is a "malt liquor" and therefore an "intoxicating liquor" within the meaning of the Canada Temperance Act (R. S. C. 1903, c. 152) s. 2 (A). *R. v. Marsh, Ex parte Lindsay et al*, 39, p. 119.

**"Most contiguous"**—A policy of insurance contained a condition requiring the assured, in case of loss, to procure a certificate as to the matters contained in the statement of loss under the hands of two magistrates "most contiguous to the place of the fire."—*Held* (*per* Tuck C. J., Hanington, Barker and Gregory JJ.), that the production of the certificate of the magistrates most contiguous to the place of fire was a condition precedent to the assured's right to recover.—*Held* (*per* Landry and McLeod JJ.), that the magistrate most contiguous qualified to act is the most contiguous within the meaning of the condition, though not the nearest in point of distance to the place of the fire. *LeBlanc v. The Commercial Union Insurance Co.*, 35, p. 665.

**"Next of kin"**—That a widow is not "next of kin" of her husband (*per* Barker C. J.) *Smith et al, Trustees v. Robertson et al*, No. 2, 4 Eq., p. 252.

**"Not less than"**—An offer to sell for "not less than \$10,000" is an offer to sell for that sum. *Hunter v. Farrell*, 42, p. 323, C. D.

**"Office"**—See *Carter v. The Standard Ltd.*, 44, p. 1; also *Newers v. Lilley*, 4 Eq., p. 106.

**"Otherwise"**—Sub-section 4 of section 237 of the Railway Act, 1903, provides that when any cattle or other animals at large upon the highway or "otherwise" get upon the property of the company and are killed or injured by a train the owner shall be entitled to recover for the loss or injury from the company, unless it show the negligence or wilful act or omission of the owner.—*Held* that the word "otherwise" means "otherwise at large," and not otherwise at large in a place *ejusdem generis* with a highway. *Daigle v. Temiscouata Ry. Co.*, 37, p. 219.

**"Person"**—The word "person" in the Dominion Summary Convictions Act cannot be held to include a corporation or body corporate, notwithstanding the Interpretation Act, c. 1, s. 7, sub-s. 22. *Ex parte Woodstock Electric Light Co.*, 34, p. 460.

The word "person" in C. S. 1903, c. 68, s. 13, does not include females. *in re Mabel P. French*, 37, p. 359.

**"Place"**—A livery stable is a place within the meaning of section 99 of the Liquor License Act (C. S. 1903, c. 22) in which proof of a sale by a person employed by the occupant may make the occupant liable to a penalty under the act, though there be no proof that the offence was committed with his authority or by his direction. *R. v. McQuarrie, Ex parte Rogers*, 37, p. 374.

**"Plant"**—The word "plant" in a mortgage of a mill, held not to include office furniture, or a horse and carriage used for occasional errand purposes in connection with the mill, or material kept on hand for repairs to machinery; but held to include scows used for lightening the output of the mill from its wharf to steamers, and in lightening coal for the use of the mill, and also to include such stores as axes, shovels and files and other articles complete in themselves, used in carrying on the mill business, but such stores only. *Eastern Trust Co. v. The Cushing Sulphite Fibre Co. Ltd.*, 3 Eq., p. 378.

**"Proceeds"**—A bequest of annuities out of "the net income or proceeds" of property directed to be converted into money, renders the corpus subject to the payment of the annuities, if the income therefrom is insufficient to pay them, since the word "proceeds" includes corpus, unless it is clear that a more restricted meaning is intended. *Beal v. The Eastern Trust Co.*, 43, p. 23, C. D.

**"Quarrying"**—Making a rock cutting in the construction of a railway road bed is not "quarrying" within the meaning of the Workmen's Compensation for Injuries Act (C. S. 1903, c. 146) even though the rock removed is used to build the road bed. *Henry v. Malcolm*, 39, p. 74.

**"Railway"**—The word "railway" includes a railway in course of construction upon which construction trains are running, though not opened for general public traffic. *Guimond v. Fidelity Phenix Fire Ins. Co.*, 41, p. 145.

**"Residence"**—See *Ex parte Miller*, 34, p. 318; *R. v. Assessors Fredericton*, 41, p. 564.

**"Right of way clearing"**—Amongst railway contractors and on railway construction work the words "right of way clearing" has acquired a special and technical meaning, and applies only to land requiring to be cleared, and not to the full area of the right of way. *Laine et al v. Kennedy et al*, 43, p. 173.

**"Sole and unconditional owner"**—A mortgagor is the "sole and unconditional owner" of property within the meaning of a condition in a policy of insurance against fire stipulating that the policy shall become void if the assured is not the sole unconditional owner of the property insured. *Temple v. The Western Assurance Co.*, 35, p. 171.