

in any case the vitiating taint of fraud attached to McCann's interest. He could assert no right against the plaintiffs. He had no title to a share in the Parent farm, unless he, like Keyser, repented and made restitution. Quite clearly his assignee could stand in no higher position. Pearson had not offered to pay the \$2,250 which McCann should have paid. Had he expressed any such intention, the learned Judge would have been willing to afford him, upon terms, the proper equitable relief. But, in the circumstances, the judgment must be that McCann had forfeited all rights under the agreement; that the assignment to Pearson, so far as it affected the pretended interest of McCann in the Parent lands, was null and void; and that the registration thereof should be vacated. The plaintiffs were entitled to their costs. J. H. Rodd, for the plaintiffs. J. H. Coburn, for the defendant Pearson.

FIRST DIVISION COURT IN THE UNITED COUNTIES OF
NORTHUMBERLAND AND DURHAM.

WARD, Co. C.J.

DECEMBER 11TH, 1914.

WRIGHT v. JARVIS.

*Municipal Corporation—Regulation of Hawkers and Peddlers—
By-law—Municipal Act, 1903, sec. 583, sub-sec. 14—Conviction for Peddling "Carpet Sweepers"—Construction of Statute.*

On the 16th September, 1914, at the town of Bowmanville, in the united counties of Northumberland and Durham, William A. Wright, of the said town of Bowmanville, upon the complaint of Richard Jarvis, Chief Constable, was charged before William M. Howsey, Police Magistrate in and for the said town of Bowmanville, and for the electoral district of West Durham, that he (Wright) did on or about the 5th September, 1914, at the said town of Bowmanville, unlawfully hawk and peddle and go from place to place and to other men's houses in the said town of Bowmanville, carrying goods, wares, and merchandise, without first having obtained a license therefor, as by law required, and was convicted by the Police Magistrate, and adjudged to pay a fine of \$10 and costs. The evidence shewed that the goods offered for sale were "carpet sweepers."

Notice of appeal by Wright against the conviction was served upon the Police Magistrate and upon the complainant, on the 18th September, 1914, and the appeal was heard at the sittings of the First Division Court in the United Counties of Northumberland