

*Held*, affirming the judgment of the Court below, there was no misrepresentation; that the company was in no way damaged by the misdescription in the plan, and the maxim *falsa demonstratio non nocet* applied; that if that maxim did not apply the matter was one for the jury, who had pronounced on it in favour of the assured; and that it was evident that the intention was to insure goods in the building which really contained them.

*Held*, also, that the canvasser could not be regarded as the agent of the assured, but was the agent of the company, which was bound by his acts and could not take advantage of his mistake.

Appeal dismissed with costs.

*Weldon, Q.C.*, for appellant.

*McLeod, Q.C.*, for respondent.

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Ottawa, Feb. 9, 1892.

Ontario.]

EAST NORTHUMBERLAND ELECTION CASE.—NORTH PERTH  
ELECTION CASE.

*Controverted Elections Act—Appeal—Deposit—Proper officer—R. S. C., c. 9, s. 51—54-55 V., c. 20, s. 12 (D.)*

By sec. 51 of the Controverted Elections Act, R. S. C., ch. 9, as amended by 54-55 V., c. 20, s. 12 (D), a party desiring to appeal from the decision of a judge on a preliminary objection, or from the decision of the judges who have tried the petition, is to deposit the sum specified as security for costs "with the clerk of the Court which gave such decision, or of which the judges who gave such decision are members, or with the proper officer for receiving moneys paid into such Court." By s. 4 of R. S. C., c. 9, as amended, the distribution of cases for trial in Ontario between the Court of Appeal and the several divisions of the High Court of Justice shall, if not prescribed by the law of the province or practice of the Court, be arranged by the judges.

In the North Perth election case the petition was filed in the Chancery division and assigned for trial to two judges of the Queen's Bench Division. The deposit was made to the registrar of the Chancery Division. In the West Northumberland case the petition was filed in the Court of Appeal and trial before two judges of one of the Divisional Courts, the deposit being with the registrar of the Court of Appeal. On motion to quash the appeal: