

correspondence and other evidence, found that the representations which, the plaintiff alleged, were made to her by Kemish, were so made and were false and misleading; that Kemish was the agent of Burgess in connection with the sale of the shares, and was responsible for the representations made; that the plaintiff was induced by the representations made to purchase; and that Kemish was also liable to the plaintiff on his written undertaking to repay the respective sums mentioned, with interest at 10 per cent. The learned Judge was unable to find that Kemish was agent for Gray in the sale of the shares. Judgment for the plaintiff against the defendants Kemish and Burgess for the sums claimed by the plaintiff, with interest at 10 per cent. from the dates of payment, with costs. As against the defendant Gray, action dismissed without costs. George Bell, K.C., for the plaintiff. The defendant Kemish appeared in person. The defendant Burgess did not appear and was not represented at the trial. W. J. L. McKay, for the defendant Gray.

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PARKER v. HOSSACK—SUTHERLAND, J., IN CHAMBERS—DEC. 21.

*Mortgage—Final Order of Foreclosure—Application to Vacate Order and to Stay Proceedings upon Payment of Interest and Taxes in Arrear.*]—Motion by the defendant Donald C. Hossack and one Charles M. Brown for an order that the latter be added as a defendant in this mortgage action and the proceedings amended accordingly; that the final order of foreclosure obtained against the defendants, other than the defendants by original writ, and dated the 7th August, 1917, be vacated; and that all proceedings in the action be stayed, on payment by the applicants of all arrears of interest and taxes now due upon the mortgage. SUTHERLAND, J., in a written judgment, after stating the facts, said that the case was not one in which the order should be made. Motion dismissed with costs. G. G. McCullough, for the applicants. J. McBride, for the plaintiffs.