

husband as agent, the husband doing his best for the wife, but not succeeding so well as he anticipated. The wife knew what she was signing—she repudiated the thought that her husband was defrauding her—she trusted him implicitly, and he tried honestly to do his best for her. In these circumstances, the defence suggested for the wife could not succeed. But the judgment, as drawn up, contained a provision for immediate payment by the wife—that was wrong. Paragraphs 3 and 4 of the judgment must be cancelled. Instead thereof a clause might be inserted for the payment by the defendants forthwith after the making of the Master's report, etc., in the usual form (see Holmsted's Forms, No. 905). In view of the mistake in the judgment, there should be no costs of the appeal. C. M. Herzlich, for the defendants. G. S. Hodgson, for the plaintiffs.

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HARVEY V. CITY OF TORONTO—FALCONBRIDGE, C.J.K.B., IN CHAMBERS—MAY 25.

*Appeal—Motion for Leave to Appeal from Order of Judge in Chambers—Rule 507—Particulars—Statement of Claim—Wrongful Acts of Defendants.*]—Motion by the defendants for leave to appeal from the order of SUTHERLAND, J., ante 260. The learned Chief Justice said that he had been unable to find any good reason for granting the leave sought under Rule 507. The case did not fall within any of the classes set forth in Holmsted's Judicature Act, 4th ed., p. 1124. The defendants ought to know by what authority they did the acts complained of. There was, in the learned Chief Justice's view, no difficulty in pleading to the statement of claim without particulars. The examination for discovery of the officers of the defendant corporation would, no doubt, clear the atmosphere. Motion refused with costs to the plaintiff in any event. C. M. Colquhoun, for the defendants. R. C. H. Cassels, for the plaintiff.