

SEPTEMBER 17TH, 1907.

DIVISIONAL COURT.

LOUDEN MANUFACTURING CO. v. MILMINE.

Infant—Purchase of Goods—Action for Price—Defence of Infancy — Alleged Ratification after Majority — Letter Acknowledging Account—Insufficiency—Claim for Value of Goods in Hand after Majority — Amendment.

Appeal by plaintiffs from judgment of RIDDELL, J., 9 O. W. R. 829, dismissing the action, which was brought for the price of goods sold. The appeal was against defendant William S. Milmine only. That defendant set up his infancy at the time the goods were purchased.

R. L. McKinnon, Guelph, for plaintiffs, contended for ratification after majority, and also that they were entitled to judgment for the value of the goods in the possession of defendant William S. Milmine at majority.

J. G. Farmer, Hamilton, for defendant William S. Milmine, contra.

THE COURT (MEREDITH, C. J., MACMAHON, J., MAGEE, J.), agreed with the trial Judge that the letter relied upon as ratification was not sufficient to satisfy the statute; but held that plaintiffs were entitled to leave to amend by setting up an alternative claim for the value of the goods in the hands of defendant William S. Milmine at majority, and were entitled to succeed upon that claim to the extent of \$75. Leave to amend granted, and judgment to be entered for plaintiffs without costs of action or appeal.

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DIVISIONAL COURT.

EUCLID AVENUE TRUST CO. v. HOHS.

Summary Judgment — Rule 603 — Mortgage — Possession — Defence—Fraud—Leave to Defend.

Appeal by defendants from order of RIDDELL, J., in Chambers, reversing order of Master in Chambers, and