

The
Ontario Weekly Notes

VOL. XVII. TORONTO, DECEMBER 12, 1919. No. 12

APPELLATE DIVISION.

FIRST DIVISIONAL COURT.

DECEMBER 5TH, 1919.

SUCKLING & CO. v. RYAN & HUGHES.

Judgment—Motion for Summary Judgment—Rule 57—Affidavit Filed with Appearance—Cross-examination of Deponent—Action for Price of Goods—Defence—Defect in Quality of Goods and Misrepresentation—Affidavit not Shewing Amount of Reduction Asserted—Leave to File New Affidavits—Waiver of Irregularity—Costs.

Appeal by the plaintiffs from the order of RIDDELL, J., ante 208.

The appeal was heard by MEREDITH, C.J.O., MACLAREN, MAGEE, HODGINS, and FERGUSON, JJ.A.

S. M. Mehr, for the appellants.

T. L. Monahan, for the defendants, respondents.

THE COURT dismissed the appeal with costs.

HIGH COURT DIVISION.

MIDDLETON, J., IN CHAMBERS.

DECEMBER 3RD, 1919.

*RE DICKENSON AND NORTH AMERICAN LIFE
ASSURANCE CO.

Insurance (Life)—Proceeds of Policies Made Payable to Named Wife of Insured—Predecease of Wife—Remarriage of Insured—Ontario Insurance Act, sec. 178 (6 Geo. V. ch. 36, sec. 5)—Division between Surviving Wife and Children—"In Equal Shares."

Application by the administrator of the estate of John Herbert Dickenson, deceased, and by his widow and the guardians of his

* This case and all others so marked to be reported in the Ontario Law Reports.