

ferences between them, and that her alimony action was in prospect on 13th July, 1905. On that day John Logan came to the office of his own solicitor, Mr. John R. Logan, a gentleman not related to the parties, and made an assignment to defendants of each of the three mortgages mentioned. These mortgages were made by James Logan, Spetz, and Drew, amounting in all to about \$5,400.

It is contended by plaintiff . . . that these assignments, though absolute in form, were in fact made to defendants as trustees.

Plaintiff claims by assignment dated 27th August, 1906.

It seems quite clear that the father, John Logan, was not willing to go to law with his daughters. It is not too strong to say that the litigation, whether for weal or woe, is that of plaintiff. He had obtained the house and lot in Sarnia; he says he bought it, and probably he did, for he says that out of the proceeds he settled the alimony action against his father, and the father got some money from the sale of this property. On 8th June, 1906, before settlement of alimony action and before the assignment from his father, plaintiff wrote to his sister, Mrs. Drew, a threatening letter demanding a settlement of his share of the mortgages, before the 15th of that month. The threat was of a criminal prosecution for something which plaintiff says defendant knew about.

The writ of summons was issued in this case on 31st August. On the next day plaintiff wrote again to his sister threatening the criminal prosecution, stating that everything was ready, and, unless settled, prosecution would go on. He said: "I am not at all anxious for disturbance, and a nice quiet settlement would suit me better, and if this is not done by one week from to-day, I will start at the foot of the ladder and expose and prosecute all that is in my power, and, as you know, and some of the rest of the family know, that is a good deal."

These letters shew that plaintiff is not the person on whose behalf the Court needs to be astute to find improper motives or fraudulent intent on the part of those whom plaintiff is prosecuting in this action. If plaintiff, by writing and sending these letters to his sister, one of the defendants, with the object of obtaining a settlement by means of threats of criminal prosecution, has not brought himself within the Criminal Code, he has come very close to it.