

Dominion Bank (1904), 35 S.C.R. 133. The plaintiffs, through Webb, were all along aware of the condition; and, therefore, if any duty might have existed in other circumstances, its performance here would not have informed the plaintiffs of anything they did not already know.

*Appeal dismissed with costs.*

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SECOND DIVISIONAL COURT.

NOVEMBER 14TH, 1918.

HASSARD v. ALLEN.

*Husband and Wife—Conveyance of Land by Husband to Wife—  
Fraud upon Creditors—Evidence—Findings of Fact of Trial  
Judge—Appeal.*

An appeal by the defendants from the judgment of FALCONBRIDGE, C.J.K.B., ante 16.

The appeal was heard by MULOCK, C.J.Ex., CLUTE, RIDDELL, SUTHERLAND, and KELLY, JJ.

C. R. McKeown, K.C., for the appellants.

J. Callahan, for the plaintiff, respondent:

THE COURT dismissed the appeal with costs.

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FIRST DIVISIONAL COURT.

NOVEMBER 14TH, 1918.

\*MILLS v. CONTINENTAL BAG AND PAPER CO.

*Building Contract—Excavation Work—Exception—"Rock"—Large  
Boulders Encountered in Progress of Work—Inclusion in Term  
"Rock"—Evidence—Functions of Architect—Classification of  
Work.*

An appeal by the plaintiff from the judgment of the Junior Judge of the County Court of the County of Carleton dismissing without costs an action brought in that Court to recover \$659.90 for excavating rock for the foundations of a building erected for the defendants.

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