

possession of the lands and premises in question in this cause, or of such part thereof as may be in the possession of the said defendants.

The judgment, especially in the parts italicised, did not follow Form 101, in the Forms appended to the Consolidated Rules of 1913.

The appeal was heard by MEREDITH, C.J.C.P., RIDDELL, LENNOX, and ROSE, JJ.

T. Hislop, for the appellant.

A. M. Dewar, for the plaintiff, respondent.

THE COURT allowed the appeal, holding that the judgment was not warranted by the practice of the Court; and directed that the judgment and all subsequent proceedings had and taken to set aside, but without prejudice to the plaintiff taking such proceedings to recover judgment as he might be advised.

No costs.

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SECOND DIVISIONAL COURT.

OCTOBER 22ND, 1917.

\*SHAW v. HOSSACK.

*Interest—Promissory Notes—Money Lent—Excessive Rate—Reduction by Court—Harsh and Unconscionable Transactions—Ontario Money-Lenders Act, R.S.O. 1914 ch. 175, sec. 4—Dominion Money-Lenders Act, R.S.C. 1906 ch. 122, secs. 6, 7—Findings of Trial Judge—Appeal.*

Appeal by the plaintiffs from the judgment of CLUTE, J., 39 O.L.R. 440, 12 O.W.N. 183.

The appeal was heard by MEREDITH, C.J.C.P., RIDDELL, LENNOX, and ROSE, JJ.

A. A. Macdonald and W. J. McCallum, for the appellants.

J. M. Ferguson, for the defendant D. C. Hossack, respondent.

D. J. Coffey, for the defendant L. E. Hossack, respondent.

THE COURT allowed the appeal with costs, and directed judgment to be entered for the plaintiffs with costs.

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