

There was no covenant for payment therein. The T. & L. Co. mortgage fell due and was not paid, and the plaintiff paid C.'s mortgage of \$500.

*Held*, that the defendant was bound to pay off the T. & L. Co. mortgage and relieve the land therefrom, and indemnify the plaintiff against it if personally liable thereon. *Canavan v. Meek*, 636.

*For taxes*—*See* ASSESSMENT AND TAXES.

*See* FRAUD AND MISREPRESENTATION, 4.

### SCHOOL TRUSTEES.

*See* PUBLIC SCHOOLS.

### SEDUCTION.

*Marriage to third party during pregnancy—Cause of action—Evidence of daughter and husband—Admissibility of.*—Where an unmarried woman is seduced and pregnancy follows, or sickness which weakens or renders her less able to work or serve, the father's cause of action is complete, and cannot be divested by the subsequent marriage of his daughter before birth of a child. The facts of seduction, pregnancy, and illness might be proved by the daughter, but might refuse to answer as to who was the cause of her pregnancy if she asserted that the child she bore was born in wedlock.

But where the daughter was married to a third person during her pregnancy consequent upon her seduction by the defendant, and her child was born in wedlock, and the action was brought at the instigation

of the husband, he and his wife being the only witnesses, and no proof of sickness or inability to serve was given:

*Held*, ARMOUR, J., dissenting, that a nonsuit was properly entered.

*Per* ARMOUR, J.—If loss of service was necessary to be proved, a new trial should be granted for that purpose; and it cannot be said that under such circumstances a father sustains no damages apart from the loss of service. *Evans v. Watt*, 166.

### SEPARATE ESTATE.

*See* COMPROMISING. — HUSBAND AND WIFE, 2, 3.

### SEPARATE TRADE.

*See* HUSBAND AND WIFE, 2.

### SERVICE.

*R. S. O. ch. 104.*—*See* MORTGAGE, 5.

### SHAREHOLDERS.

*See* FRAUD AND MISREPRESENTATION, 1.—RAILWAYS AND RAILWAY COMPANIES, 2.

### SHERIFF.

*Sale by—Purchase by judgment creditor.*—*See* BANKRUPTCY AND INSOLVENCY, 3.

### SHIPPING.

*Carriers by water—Refusal of passenger to pay fare—Assault and imprisonment by purser—Liability*