

JENNER v. BERE—FALCONBRIDGE, C.J.K.B.—FEB. 9.

Deeds—Action to Set aside—Agreement—Quit-claim Deed—Conveyance of Land—Evidence—Corroboration—Lunatic—Lunacy Act, R.S.O. 1914 ch. 68, sec. 37.—An action to set aside an agreement, a quit-claim deed, and a conveyance of land to the defendant. The action was tried without a jury at London. FALCONBRIDGE, C.J.K.B., in a written judgment, said (1) that the attack on the agreement of the 17th May, 1910 (exhibit 1), failed in every respect. If the plaintiff had any real ground for her attack, it could not have been sustained without the other parties being before the Court. No case was made out for an amendment.—(2) The attack on the quit-claim deed of the 2nd May, 1916, was equally ineffectual. The transaction was perfectly explained by the defendant, who stood to gain nothing by it.—(3) As to the lands purchased from Sifton, the defendant's statement should be accepted as being absolutely true. If, under all the circumstances, corroboration was required, it was supplied by the fact of the father's consenting to the deed being taken in the defendant's name and by the recital in exhibit 1 that the farm stock of the value of \$1,500 was the only property, real or personal, left by William Bere, deceased.—(4) The condition of Mary Bere was said to have improved. The family said that they would take care of her among themselves, and there was no object in pronouncing a declaration of lunacy or making any order under sec. 37 of the Lunacy Act, R.S.O. 1914 ch. 68.—Action dismissed with costs. W. R. Meredith, for the plaintiff. P. H. Bartlett, for the defendant.

LINK v. THOMPSON—BRITTON, J.—FEB. 9.

Discovery—Examination of Defendant—Refusal to Answer Questions—Order Striking out Defence.—Motion by the plaintiff to strike out the defence because of the refusal of the defendant, upon re-examination for discovery, pursuant to an order made by SUTHERLAND, J., on the 2nd January, 1917 (ante 282), to answer questions which she was by the order directed to answer. The motion was heard in the Weekly Court at London. The learned Judge, after explaining the facts in a written judgment, made an order striking out the defence, without prejudice to any application that might be made to the trial Judge to have the plain-