HAWLEY v. HAND—FALCONBRIDGE, C.J.K.B.—NOV. 30.

Fraud and Misrepresentation—Sale of Shares—Evidence—Damages for Deceit—Delivery up of Promissory Note.]—Action for damages for false representations whereby the plaintiff was induced to purchase stock and for delivery up or indemnity in respect of a promissory note made by the plaintiff. The action was tried without a jury at a Toronto sittings. FALCONBRIDGE, C.J.K.B., in a written judgment, said that the defendant had died since the trial, and by order the action was continued against his executrix. The plaintiff had proved his case. Exhibit 2, in the defendant's handwriting, was a most damning document, and the attempted explanation of it was not satisfactory. The representations were in fact untrue, and, if not false to the knowledge of the defendant, they were made recklessly with the purpose of inducing the plaintiff to purchase the stock, and they did so induce him. Judgment against the executrix as such for $4,050 and costs and for the delivery up of the promissory note or indemnity from liability thereon. R. S. Robertson, for the plaintiff. J. M. Ferguson, for the defendant.