

ronto Railway Company from the judgment of MACMAHON, J., ante 185, a Divisional Court (BOYD, C., MAGEE and LATCHFORD, J.J.), affirmed the judgment with costs. H. H. Dewart, K.C., for the appellants. J. M. Godfrey, for the plaintiffs.

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GIBSON v. VAN DYKE—FALCONBRIDGE, C.J.K.B.—JAN. 18.

*Trustee—Conveyance of Land—Costs.*]—Action for a declaration of the plaintiff's interest in certain land and to compel a conveyance thereof. The plaintiff was a married woman; she had a sister, Joan Van Dyke, not a party to the action. The defendant was their uncle, and had, since the commencement of this action, conveyed the property in question to Joan Van Dyke. The Chief Justice directed that if Joan Van Dyke should within three weeks execute and deliver a conveyance to the plaintiff of an undivided half interest in the lands and premises in question, this action should be dismissed without costs. If Joan Van Dyke should neglect or refuse to do so, she should be added as a defendant, and she and the original defendant ordered to execute and deliver the same conveyance, without any order as to costs. G. Lynch-Staunton, K.C., and G. H. Levy, for the plaintiff. P. D. Crerar, K.C., for the defendant.

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HEATHERLY v. KNIGHT—DIVISIONAL COURT—JAN. 19.

*Fraud and Misrepresentation—Amendment.*]—Appeal by the plaintiff from the judgment of RIDDELL, J., 14 O. W. R. 338, dismissing the action. The Court (MULOCK, C.J.Ex.D., MAGEE and LATCHFORD, J.J.) dismissed the appeal with costs. W. L. Payne, K.C., for the plaintiff. F. D. Boggs and A. R. Clute, for the defendant.

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ELWELL v. CRATE—BRITTON, J.—JAN. 20.

*Trust—Action for Declaration—Fraudulent Mortgages.*]—Action by an execution creditor of Hiram A. Crate to have the defendant Elizabeth F. Crate declared a trustee for him of certain lands in Smith's Falls, and to set aside as fraudulent against the plaintiff and the other creditors of Hiram A. Crate two mortgages made by the defendant Elizabeth F. Crate to the defendant Frederick A. Crate. The learned Judge found the facts in favour of the defendants, and dismissed the action with costs. G. F. Henderson, K.C., and W. McCue, for the plaintiff. A. E. Fripp, K.C., and H. A. Lavell, for the defendants.