

**The**  
**Ontario Weekly Notes**

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APPELLATE DIVISION.

FIRST DIVISIONAL COURT. FEBRUARY 6TH, 1920.

McKERNAN v. KERBY.

*Partnership—Failure to Establish—Lease of Building—Claim for  
Injury to Fixtures—Stated Account—Counterclaim—Costs.*

Appeal by the plaintiff from the judgment of SUTHERLAND, J.,  
16 O.W.N. 368.

The appeal was heard by MEREDITH, C.J.O., MACLAREN,  
MAGEE, and HODGINS, JJ.A.

E. S. Wigle, K.C., for the appellant.

R. L. Brackin, for the defendant, respondent.

THE COURT dismissed the appeal with costs.

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SECOND DIVISIONAL COURT. FEBRUARY 12TH, 1910.

SELICK v. NEW YORK LIFE INSURANCE CO.

*Trial—Jury—Findings Opposed to Evidence—Irrelevant and Inflamm-  
atory Remarks by Trial Judge—New Trial—Costs—Life  
Insurance—Untrue Statements in Application for Insurance  
Acted upon by Company—Materiality.*

Appeal by the defendant company from the judgment of ROSE,  
J., in favour of the plaintiff, upon the findings of a jury at the trial.

The plaintiff, the widow of Joseph Slick and sole beneficiary  
under a policy of life insurance issued by the defendant company

42—17 O.W.N.