

GRAHAM V. DRIVER—DIVISIONAL COURT—OCT. 18.

Promissory Note — Procurement of Signatures of Makers by Fraud—Notice — Indemnity.]—Appeal by the defendants other than Fawcett from the judgment of TEETZEL, J., 1 O. W. N. 767, in favour of the plaintiffs; and appeal by the defendant Fawcett from the same judgment in favour of the other defendants as against him for indemnity. The Court (BOYD, C., RIDDELL and MIDDLETON, JJ.), allowed without costs the appeal of the defendants other than Fawcett, and dismissed the action as against them with costs; and allowed without costs the appeal of the defendant Fawcett, and dismissed without costs the claim for indemnity against him. Held, that, on the facts found, the paper sued on never became a note at all—the signatures to the document having been obtained by fraud, and the defendants not intending to sign a note: *Foster v. MacKinnon*, L. R. 4 C. P. 704. J. M. Godfrey, for the defendants other than Fawcett. R. G. Agnew, for the defendant Fawcett. W. A. J. Bell, K.C., for the plaintiffs.

HAZEL V. WILKES—DIVISIONAL COURT—OCT. 18.

Judgment—Foreclosure—Action to Set aside.]—Appeal by the plaintiff from the judgment of TEETZEL, J., 1 O. W. N. 1096. The Court (BOYD, C., RIDDELL and MIDDLETON, JJ.), dismissed the appeal without costs. W. S. Brewster, K.C., for the appellant. E. Sweet, for the defendants.

TURNER V. DOTY ENGINE WORKS CO.—MASTER IN CHAMBERS—OCT. 18.

Pleading—Statement of Defence — Irrelevancy — Embarrassment—Commission on Sale—Secret Agreement—Parties.]—After the order of the Master in Chambers, ante 74, the statement of defence was amended by striking out paragraphs 3 and 4 and substituting paragraphs 3 to 9, which the plaintiff moved to strike out as irrelevant, and therefore embarrassing. These paragraphs (condensed) were as follows: 3. The defendants are, and were at