

The Ontario Weekly Notes

VOL. XV. TORONTO, OCTOBER 4, 1918.

No. 4

HIGH COURT DIVISION.

MIDDLETON, J.

SEPTEMBER 23RD, 1918.

*BLANCHARD v. JACOBI.

Duress—Action on Cheque—Signing Cheque to Obtain Release from Custody—Arrest in Foreign Country—Fraud—Defence to Action.

Action upon a cheque made by the defendant in favour of the plaintiff on the 17th January, 1918, for \$3,075. Payment of the cheque was, at the instance of the defendant, refused by the bank upon which it was drawn, the defendant asserting that it had been obtained from him by duress.

The action was tried without a jury at a Toronto sittings.
Casey Wood, for the plaintiff.
A. C. McMaster and O. King, for the defendant.

MIDDLETON, J., in a written judgment, said that the defendant went to Boston, Massachusetts, to make an arrangement with a company there, in regard to a matter of business between that company and the defendant's firm in Toronto. The company had a claim against the defendant's firm, the amount of which was disputed. On the 17th January, 1918, the defendant arrived in Boston, and called on the company's manager. No arrangement was made—the defendant and the company's manager could not agree upon a sum. The manager at once called in a sheriff's officer, who placed the defendant under arrest, upon process obtained earlier in the day and before any meeting had taken place. The defendant failed to obtain bail, and finally sent for the manager and offered his cheque for the sum demanded.

* This case and all others so marked to be reported in the Ontario Law Reports.