

first wife, who had borne him a child; and that the defendant had, therefore, wilfully deceived the plaintiff. By paragraph 5, she alleged that in April, 1911, the defendant was arrested on a charge of bigamy for his marriage with the plaintiff; that she thereupon refused to live any longer with him; but that, again relying on representations made by him, that proceedings were being taken to set aside the first marriage, and that an eminent counsel had advised him that these proceedings would undoubtedly succeed speedily, she resumed marital relations with him and bore him a child. Then, in paragraph 6, she alleged that the representations set out in the preceding paragraph were untrue; and she, therefore, claimed: (1) damages for false and fraudulent misrepresentations; (2) further and other relief; (3) costs. The defendant moved to strike out paragraphs 5 and 6 as shewing no cause of action and being embarrassing. The Master referred to *Anon.*, *Skinner* 119; *Millington v. Loring*, 6 Q.B.D. 190; and said that the plaintiff's claim was not and could not be for breach of promise of marriage or for seduction or for anything else than for false representations which she believed and was induced to act on, in consequence of which she gave birth to a child. And this was perfectly well pleaded, for the reasons given in *Millington v. Loring*. See also 20 Cyc. 14. Motion dismissed with costs to the plaintiff in the cause. T. N. Phelan, for the defendant. H. E. Irwin, K.C., for the plaintiff.

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RE. YEO—KELLY, J.—JAN. 31.

*Lunatic—Petition—Evidence.*] — Petition by James and John Yeo for an order declaring William Yeo to be of unsound mind and incapable of managing his affairs, and for the appointment of a committee of his person and estate. KELLY, J., said that a very careful consideration of the matter had convinced him that the application should not have been made. Petition dismissed with costs. Featherston Aylesworth, for the applicants. J. G. Wallace, K.C., for William Yeo.

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SMITH V. BENOR—KELLY, J.—JAN. 31.

*Trust—Conveyance of Land—Consideration—Establishment of Trust—Oral Evidence—Statute of Frauds—Finding of Fact—Setting aside Conveyance.*] — Action to set aside a conveyance of land and other property made by the plaintiff to the