

were compelled to ascertain that the facts were not as they appeared, and to attack the transaction at their peril. The Courts cannot dispense with that which the Legislature has prescribed.

None of the English cases cited are in any way in conflict with this. The English statute in some respects differs from ours; and in all the cases in which the mortgage has been upheld the Court has been able to find that there was a substantial compliance with the statutory requirements. No tendency can be found in any of our own decisions to indicate that this rule should be relaxed. See *Re Andrews* (1877), 2 A.R. 24; *Nisbet v. Cock* (1879), 4 A.R. 200; and *Archibald v. Hubley* (1890), 18 S.C.R. 116.

I, therefore, find in favour of the plaintiff upon the stated case; and there is no reason why costs should not follow the event.

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HALLIDAY V. ROY—MIDDLETON, J.—DEC. 21.

*Contract—Exchange of Properties—Specific Performance—Statute of Frauds — Untrue Representation.*] — The parties agreed to exchange an automobile for an equity of redemption of some property. The plaintiff, the owner of the automobile, brought this action for specific performance. The action was tried without a jury at Ottawa. MIDDLETON, J., said that the Statute of Frauds probably afforded a defence; but, apart from that, he was of opinion that the action failed. By a contemporaneous written memorandum, which really formed part of the same transaction, the plaintiff undertook that the automobile was in good repair and running order. It was not; and, although this representation may have been made honestly, it was untrue in fact; so that, in substance, as well as for technical reasons, the action failed, and must be dismissed with costs. C. L. Bray, for the plaintiff. J. P. Labelle, for the defendant.

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GRILLS V. CANADIAN SECURITIES CORPORATION LIMITED—LENNOX, J.—DEC. 22.

*Principal and Agent—Agent's Commission on Sales of Land — Payments — Deductions — Account — Reference — Indulgence—Costs.*]—Action against the above-named corporation and other companies to recover commissions alleged to be due to