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JUNE 23RD, 1902.

DIVISIONAL COURT.

THOMPSON v. THOMPSON.

*Evidence—Corroboration—Action on Note by a Deceased Person—
Comparison of Signature with one on a Registered Mortgage.*

Appeal by defendants from judgment of County Court of Peel in favour of plaintiff in an action upon a promissory note purporting to be made by the deceased person whose executors and executrix are the defendants in the action. The signature to the note was denied upon the pleadings. The plaintiff, being called as a witness, swore that the deceased had signed the note. A mortgage, also purporting to be made by deceased, was produced, with the county registrar's certificate of its due registration indorsed, but no evidence was given of any comparison of the two signatures. A nonsuit, upon the ground that there was no sufficient corroboration of plaintiff's claim, was moved for, but refused. The main question was whether the Judge was entitled to look at the signature to the mortgage for the purpose of comparing it with that to the note, and determining whether the latter was a genuine signature.

B. F. Justin, Brampton, for defendants.

E. G. Graham, Brampton, for plaintiff.

THE COURT (FALCONBRIDGE, C.J., STREET, J., BRITTON, J.), held that the Judge was entitled to make the comparison, and that plaintiff's evidence was sufficiently corroborated under R. S. O. ch. 73, sec. 10.

FALCONBRIDGE, C.J., referred to Cobbett v. Kilminster, 4 F. & F. 490; King v. King, 30 U. R. C. 26; Thompson v. Bennett, 22 C. P. at p. 406.

Appeal dismissed with costs.