

DIVISIONAL COURT.

OCTOBER 15TH, 1909.

SETCHFIELD v. EVANS.

Promissory Note—Action on—Liability of Maker—Guarantor.

Appeal by the defendant from the judgment of the 1st Division Court in the county of York in favour of the plaintiff in an action on a promissory note for \$105 made by the defendant to one S. A. Paterson, indorsed by one Thomas Gosnell without recourse, and sold by him to the plaintiff two years before maturity.

The appeal was heard by FALCONBRIDGE, C.J.K.B., TEETZEL and RIDDELL, JJ.

C. A. Moss, for defendant.

Frost, for plaintiff.

The judgment of the Court was delivered by FALCONBRIDGE, C.J.:—We have carefully considered all the circumstances urged upon us by the defendant's counsel; but the evidence of Thomas Gosnell, which the learned Judge has accepted, covers the whole ground, and there is really no evidence to controvert it. The defendant is the maker of the note, and not in the position of a guarantor.

Appeal dismissed with costs.

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IHDE v. STARR.

Easement—Park Reserve and Entrance—Right of Purchaser According to Registered Plan to have Unobstructed Use of—Registry Laws—Statute of Limitations—Mistake of Title.

Appeal by plaintiff from the judgment of MULOCK, C.J.Ex.D., dismissing the action.