

them for \$1,450 and interest and costs, in an action upon a promissory note made by them and their brother and co-defendant. The plaintiff attached moneys due to the applicants to answer the judgment, and the attaching order was made absolute. The applicants stated on affidavit that they signed the note at the request of their brother and solely from fear that the plaintiff would prosecute the brother criminally. The learned Master said that the applicants, if they could prove the facts set out in their affidavits, had a good defence, citing *Williams v. Bayley* (1866), L.R. 1 H.L. 200. Order made setting aside the judgment, on payment to the plaintiff of all costs between solicitor and client, and without prejudice to the attachment proceedings. Gordon Waldron, for the applicants. R. L. Johnston, for the plaintiff.

RE LUCAS—FALCONBRIDGE, C.J.K.B.—DEC. 18.

Will—Construction—Absolute Interest not Subject to Trust—Inquiry as to Persons Named in Will.]—Motion by the administrator of the estate of James Lucas with the will annexed for an order determining a question arising upon the construction of the will. The learned Chief Justice said that an affidavit ought to be filed shewing want of knowledge of the place or places of residence of the sister and brother mentioned in the will, and detailing efforts made to find them. Subject to this, order made declaring that no trust is imposed by the will on the daughter, and that her mother and she take absolutely according to the terms thereof. E. T. Essery, K.C., for the applicant and for the mother and daughter.

BORNETT V. OSTLER FILE CO.—LATCHFORD, J.—DEC. 18.

Nuisance—Noise and Vibration—Damages — Injunction — Judicature Act, sec. 18—Stay of Operation of Injunction—Opportunity to Abate Nuisance.]—Action to restrain the defendants from operating their factory in such a way as to constitute a nuisance and a detriment to the plaintiff's enjoyment of her dwelling-house, situated close to the defendants' factory, in the city of Toronto. The learned Judge found that the plaintiff had established that the defendants in April, 1914, made a substantial addition to the pre-existing noises and vibration of the locality, such as constituted an illegal nuisance, and caused a serious disturbance of the reasonable comfort of the plaintiff