

It was represented to the plaintiff that the factory superintendent had taken \$5,000 stock. This was a misrepresentation, and to the plaintiff a serious one, for it indicated that a man brought from similar works in the United States had such confidence in the business that he was ready to put his own money in it.

These misrepresentations were made out, and were sufficient to justify a rescission of the agreement (if any) to take stock.

The "statement" sinned against every provision of part VII. of the statute. No attempt was made to defend it as a prospectus. If it was not a prospectus, no prospectus was delivered at the time the plaintiff's subscription was obtained; and, under sec. 101 (3), the plaintiff was not bound by, and was entitled to withdraw, his subscription; and, as no notice of allotment was ever sent to him, his withdrawal could be at any time.

Both allotment and notice of allotment were necessary; and, upon the evidence, there was no allotment to the plaintiff.

There should be judgment for the plaintiff declaring him not to be a shareholder in the company and to be entitled to a rescission of his application for shares, for a return of the \$1,000 paid, with interest from the 31st December, 1917, for cancellation of the plaintiff's promissory note for \$1,000, for enforcement of the judgment for \$1,140.72, and dismissing the counterclaim, all with costs.

LENNOX, J.

DECEMBER 31ST, 1918.

*STONER v. SKENE.

Seduction—Action by Mother for Seduction of Daughter—Death of Father before Seduction—Remarriage of Mother—Stepfather Living at Time of Seduction but Dead before Action Brought—Cause of Action—Seduction Act, R.S.O. 1914 ch. 72, secs. 2, 3—Married Women's Property Act, R.S.O. 1914 ch. 149, sec. 4 (2)—Trustee Act, R.S.O. 1914 ch. 121, sec. 41.

Action by a widow for the seduction of her daughter.

The action was tried by LENNOX, J., and a jury, at a Toronto sittings; the jury found for the plaintiff with \$3,000 damages.

The defendant moved for a nonsuit.

A. R. Hassard, for the plaintiff.

J. M. Godfrey and T. N. Phelan, for the defendant.

LENNOX, J., in a written judgment, said that the daughter was the plaintiff's child by her first husband, who died before the