
 REPORTS AND NOTES OF CASES

Province of Ontario.

 COURT OF APPEAL.

From Divisional Court.]

[Nov. 10, 1896.

MONTGOMERY v. CORBIT.

Bankruptcy and insolvency—Assignments and preferences—Fraudulent preference—Previous agreement.

One of the defendants, when threatened with an action on behalf of the plaintiff to recover damages for slander, conveyed his farm to his co-defendant, his son, the alleged consideration being the son's agreement, entered into some years before, to maintain the grantor and his wife for life. The plaintiff brought the threatened action and obtained judgment for damages and costs, and then attacked the deed, and in that action it was proved that such an agreement had in good faith been made.

Held, that the previous agreement, although not proved with sufficient clearness to have enabled either party to it to enforce specific performance, was an answer to the charge of fraud.

Judgment of a Divisional Court (ARMOUR, C.J., FALCONBRIDGE and STREET, JJ.) reversed.

Aylesworth, Q.C., and *W. L. Walsh*, for the appellants.

Myers, Q.C., for the respondent.

From ARMOUR, C.J.]

[May 5.

LAUGHLIN v. HARVEY.

Evidence—Negligence—Damages—Exposure of body to jury—New trial—Jury—Misconduct of juror.

In an action to recover damages for alleged malpractice, the plaintiff is not entitled to show to the jury the part of the body in question for the purpose of enabling them to judge as to its condition.

Sornberger v. Canadian Pacific R. W. Co., 24 A.R., approved and distinguished.

Judgment of ARMOUR, C.J., reversed.

Attempting to dissuade a witness from giving evidence is such misconduct on the part of a juror as would justify the granting of a new trial.

Osler, Q.C. and *W. M. Douglas*, for the appellant.

H. Lennox, for the respondent.

From FALCONBRIDGE, J.]

[May 5.

BICKNELL v. PETERSON.

Patent of invention—New application of old mechanical device.

The application to a new purpose of an old mechanical device is patentable when the new application lies so much out of the track of the former use as not naturally to suggest itself to a person turning his mind to the subject, but requires thought and study.