

Trial—Meredith, C.J.C.P.]

[July 27.]

CROSSETT v. HAYCOCK.

Husband and wife—Bar of dower—Infant wife—Purchaser for value.

Action to recover dower in lands of which the plaintiff's husband had been owner in fee simple, but which he had conveyed away in his lifetime, the plaintiff joining and barring her dower. The plaintiff contended that as she was an infant when she joined in the deed, the bar of dower did not bind her. The grantee in the deed was the son of the plaintiff's husband by a former wife, and it appeared that the land had been conveyed to him in pursuance of an agreement between him and his father, that if he would work the land with his father for the next ensuing season, which he accordingly did, the father would convey the land to him.

Held, that the grantee was a purchaser for value of the land, and that therefore by virtue of s. 5 of the Married Woman's Real Estate Act, R.S.O. 1897, c. 165, the infancy of the plaintiff when she barred her dower was of no consequence.

Riddell, K.C., and *Sinclair*, for plaintiff. *Maybee*, for defendant.

Falconbridge, C.J., Street, J., Britton, J.]

[July 27.]

SMALL v. HYTTENRAUCH.

Parties to action—Representation.

Con. Rule 200 provides that "In an action where there are numerous parties having the same interest one or more such parties may sue or be sued, or may be authorized by the court to defend on behalf of or for the benefit of all parties interested." The plaintiff in this action complained that the members of the London Musical Protective Association at meetings of the whole association, and by the executive committee of the association, had agreed with one another to order one Cresswell, a member of the association, and his orchestra to break a contract existing between them and the plaintiff to play in the plaintiff's opera house; and asked for an injunction to restrain them from carrying out this design. He made defendants, as representing the association, the president and three other members of the association who appeared to have taken a specially active part in the matter in question.

Held, that the case was brought within the above rule and the plaintiff was entitled to an order that the above defendants might be sued and authorized to defend on behalf of all the members of the London Musical Protective Association other than Cresswell and the members of his orchestra.

J. H. Moss, for plaintiff. *O'Donoghue*, for individual defendants except Joseph Weber.