

# The Ontario Weekly Notes

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## HIGH COURT DIVISION.

BOYD, C.

NOVEMBER 21ST, 1916.

HUTCHINSON v. STANDARD BANK OF CANADA.

*Illegal Combination—Action to Set aside Agreement, Conveyance, and Mortgages—Failure of Proof.*

This action was brought by Lillian Maud Hutchinson against the Standard Bank of Canada and H. T. McMillan for a declaration that certain mortgages and an agreement and conveyance made by the plaintiff were void and should be delivered up to be cancelled—the plaintiff alleging that the defendant McMillan combined with two other persons to obtain the execution of the instruments by her, she being without independent advice and incapable of understanding the nature and effect of the instruments.

The action was tried without a jury at Toronto.

W. R. Smyth, K.C. and J. F. Boland, for the plaintiff.

R. McKay, K.C. for the defendants.

THE CHANCELLOR:—The plaintiff's attack fails on lines of combination. I do not assume that the defendants ask for costs. I hope to give reasons later.

Endorsed on the record were the words: "Let judgment be entered dismissing action. J. A. Boyd."

[The pathetic hope was not realised. The learned and venerable Chancellor died two days after the above words were penned by his own hand. Nothing better illustrates his single-hearted devotion to duty than this his last official act, performed on his death-bed.]