

1928
 *Oct. 26.

HERMAN D. HOWSON (DEFENDANT) APPELLANT;

AND

HERBERT LEWIS AND GEOFFREY R. }
 LEWIS (PLAINTIFFS) } RESPONDENTS.

ON APPEAL FROM THE COURT OF APPEAL FOR SASKATCHEWAN

Sale of land—Misrepresentation—Rescission

APPEAL by the defendant from the judgment of the Court of Appeal for Saskatchewan (2) which, reversing the judgment of Knowles J., held that a certain agreement of

*PRESENT:—Anglin C.J.C. and Newcombe, Rinfret, Lamont and Smith JJ.

(1) [1928] 2 W.W.R. 514.

(2) 22 Sask. L.R. 624; [1928] 2 W.W.R. 197.

sale of lands and chattels from the defendant to the plaintiffs should be rescinded on the ground of material misrepresentation inducing the purchase; that a certain lien note made by the plaintiffs to the defendant should be set aside, rescinded and cancelled; and that the plaintiffs should recover against the defendant the sum of \$1,531, with certain interest.

On the conclusion of the argument for the appellant, and without calling on counsel for the respondent, the judgment of the Court was orally delivered by the Chief Justice, dismissing the appeal with costs.

Appeal dismissed with costs.

Henry Rees and Cuthbert Scott for the appellant.

J. M. Stevenson K.C. for the respondent.

DONALD M. ROBERTSON, ON BEHALF
OF HIMSELF AND ALL OTHER CREDITORS
OF GEORGE H. ROBINSON (PLAINTIFF) . . .

APPELLANT;

1928
Howson
v.
Lewis.
*Nov. 28.

AND

ESTHER M. ROBINSON, WIFE OF GEORGE
H. ROBINSON, AND THE SAID GEORGE
H. ROBINSON (DEFENDANTS)

RESPONDENTS.

ON APPEAL FROM THE APPELLATE DIVISION OF THE SUPREME
COURT OF ONTARIO

Husband and wife—Alleged attempts to defeat husband's creditors—Alleged payment of husband's moneys in purchase of, or for benefit of, property standing in name of wife—Whether property exigible to satisfy claims of husband's creditors—Claim on behalf of creditors as to policies of insurance on husband's life payable to wife.

APPEAL by the plaintiff from the judgment of the Appellate Division of the Supreme Court of Ontario (1) which, reversing in part the judgment of Kelly J. (1), held against the plaintiff's claim that certain land standing in the name of the defendant wife was the property of her husband and exigible to satisfy the claims of the plaintiff and the other creditors of her husband, or that the said

*PRESENT:—Duff, Mignault, Newcombe, Lamont and Smith JJ.

(1) 62 Ont. L.R. 12.