

SIDDALL v. ESKDALE.

ALLEGED BOGUS SALE OF SHARES.

In the month of April, 1902, an auction sale of 1500 paid-up Fortuna Hustler's shares took place at the Victoria hotel on account of Mr. Henry Siddall, of Bendigo, mining investor. The shares were originally the property of Mr. W. W. Eskdale, also a well-known local investor. The shares were sold subject to some transactions between the parties previously, and were purchased by Mr. J. F. Gleeson, managing clerk of Messrs. Cohen, Kirby and Woodward, for Mr. John Hiffe, of Albury. The shares did not realise a sufficient amount to effectually settle the original transaction, and recently Mr. Siddall issued a writ against Mr. Eskdale to recover the disputed amount, which is large. The defendant opposed the granting of final judgment, alleging that the sale of the shares was a bogus one, and that Hiffe was merely Siddall's dummy, being a relation of his wife's. In Chambers in Melbourne on Monday, the matter came before Mr. Justice Gussen on a summons for final judgment, and was argued by Mr. Bryant, instructed by Messrs. Cohen, Kirby and Woodward for Mr. Siddall, and by Mr. McFarlan, instructed by Mr. Luke Murphy, for Mr. Eskdale.

After reading several affidavits, his Honor granted Mr. Eskdale unconditional leave to defend, and refused to put him on terms, as he said he could not satisfy himself that any particular sum was owing. He also ordered the trial to take place in Bendigo, and gave defendant an opportunity to have the case tried before a jury if he so desired. The case will probably come on for trial at the Supreme Court in February.