

Appeal by the Official Guardian from the judgment of Orde, J., ante 65.

The appeal was heard by MEREDITH, C.J.O., MACLAREN, MAGEE, HODGINS, and FERGUSON, JJ.A.

I. F. Hellmuth, K.C., for the appellant.

F. H. Snyder, for the executors.

W. A. McMaster, for Charles Sheard and Arthur Sheard.

J. M. Bullen, for Lillie Olive Mitchell, Mary Henson, and Laurena Braden.

MEREDITH, C.J.O., in a written judgment, said that the Court agreed with the conclusion of Orde, J., and also with the reasoning upon which it was founded.

In addition to the cases cited by Orde, J., the learned Chief Justice referred to *Christopherson v. Naylor* (1816), 1 Mer. 320; *In re Hotchkiss's Trusts* (1869), L.R. 8 Eq. 643, 648; *In re Potter's Trust* (1869), L.R. 8 Eq. 52.

The appeal should be dismissed, and the costs of it should be dealt with as in the Court below.

*Appeal dismissed.*

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FIRST DIVISIONAL COURT.

FEBRUARY 18TH, 1921.

RE COWAN AND BOYD.

*Landlord and Tenant—Application of Landlord for Order for Possession under Overholding Tenants' Provisions of Landlord and Tenant Act—Extension of Term—Correspondence—Effect of Offer and Acceptance.*

An appeal by the landlord from an order of a Judge of the County Court of the County of York dismissing a summary application for an order under the overholding tenants' sections of the Landlord and Tenant Act for possession of the demised premises.

The appeal was heard by MEREDITH, C.J.O., MACLAREN, MAGEE, HODGINS, and FERGUSON, JJ.A.

J. P. White, for the appellant.

William Proudfoot, K.C., for the tenant, respondent.

MEREDITH, C.J.O., reading the judgment of the Court, said that the respondent was tenant of the appellant of the premises in question, and, his term being about to expire, he wrote, on the