

The appeal to the Supreme Court of Ontario (First Appellate Division) was heard by HON. SIR WM. MEREDITH, C.J.O., HON. MR. JUSTICE MAGEE, HON. MR. JUSTICE HODGINS and HON. MR. JUSTICE RIDDELL.

H. T. Beck, the appellant, in person.

A. B. Armstrong, for the defendant, the respondent.

THEIR LORDSHIPS (v.v.) allowed the appeal, with costs, and ordered that judgment should be entered for such amount as should be found due by a taxing officer, or such amount as the parties should agree upon.

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HON. MR. JUSTICE MIDDLETON.

JUNE 4TH, 1914.

RAMSAY v. PROCTOR.

6 O. W. N. 428.

*Landlord and Tenant—Lease—For 21 Years—Parcel Sub-divided by Lessee by Assignment — Property Taken over by Landlord—Valuation of Buildings—Price Accepted by Lessee—Claim of Sub-tenant for Price of his Building.*

MIDDLETON, J., held, that the whole parcel was what was to be considered in the valuation of the buildings and any right which the sub-tenant might have was a question between himself and the lessee of the whole parcel.

Action brought to recover possession of certain land, tried at Toronto, May 29th, 1914.

H. E. Rose, K.C., for the plaintiff.

L. F. Heyd, K.C., for defendant Hawken.

HON. MR. JUSTICE MIDDLETON:—Hawken was in possession of the lands by his tenant, Proctor, and has intervened, under the provisions of rule 53, for the purpose of defending the possession of his tenant. Proctor's tenancy has now come to an end, and he on 31st December, 1913, surrendered, and conveyed all his rights to his landlord.

The real contest arises over the provisions in regard to removal contained in a lease, bearing date 1st January, 1892, by which Messrs. Kingstone and MacDonald, executors of