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APPELLATE DIVISION.

SEPTEMBER 29TH, 1914.

STEELE v. WEIR.

Partition—Application for Order for Partition or Sale—Administration—Rules 612, 613—Caution—R.S.O. 1914 ch. 119, sec. 15(d)—Executor—Payment of “Obligations”—Costs.

Appeal by the plaintiff from an order of FALCONBRIDGE, C.J. K.B., 6 O.W.N. 400.

The appeal was heard by MACLAREN, MAGEE, and HODGINS, J.J.A., and MIDDLETON, J.

W. A. J. Bell, K.C., for the appellant.

J. G. Farmer, K.C., for James and William Weir, the respondents.

THE COURT agreed with the opinion of the learned Chief Justice as to the principal matters in dispute, but varied the order as issued by adding a clause providing (in accordance with the apparent intention of the Chief Justice) that payment of the obligations referred to in the executor's affidavit should be made only so far as the “obligations” were just claims upon the estate; and, with this variation, dismissed the appeal with costs.

SEPTEMBER 29TH, 1914.

DANNANGELO v. MAZZA.

Vendor and Purchaser—Agreement for Sale of Land—Claim for Reformation—Evidence—Relief against Forfeiture—Payment of Purchase-money—Extension of Time.

Appeal by the plaintiff from the judgment of BRITTON, J., 6 O.W.N. 396.