

appealed to the Full Court. The evidence was that he lived with his wife upon a property in the village that was assessed on the last revised assessment roll, in the name of Mrs. Garrett as owner at \$600, that Mr. Garrett's name was added in the roll in respect of the property under the heading Tenant or Occupant, and that Mrs. Garrett had a certificate of title under the Real Property Act for the property, which appeared to be encumbered by mortgages to the extent of \$550. He had no other property qualification.

Held, that appellant, was not, at the time of election, the owner of freehold or leasehold, or partly freehold and partly leasehold, real estate rated in his name on the last revised assessment roll of the village to the amount of \$500 over and above all charges, liens and encumbrances affecting the same, as required by said s. 51; and was therefore not qualified. Appeal dismissed with costs.

Taylor, for petitioner. *Ewart*, Q.C., for appellant.

Richards, J.]

SUTHERLAND v. PORTUGAL.

[June 13.

Overholding Tenants Act, R.S.M., c. 112—Practice—Demand in writing unsigned—Service of copies not annexed to notice under s. 5—Preliminary objections.

In this proceeding under the Overholding Tenants Act, R.S.M., c. 112, the demand in writing served by the landlord under s. 3 of the Act requiring the tenants to go out of possession, was unsigned, but was otherwise sufficient in form. When it was served its purport was verbally explained to the tenants who were told that it was from the landlord's agent, and one of them then went to see the latter about it.

Held, following *Morgan v. Leech*, 10 M. & W. 558, that the demand was sufficient under the circumstances though unsigned.

During the hearing it was objected that the copies served with the notice of the application, as required by s. 5, were not annexed to the notice.

Held, that delivery of the copies with the notice was probably sufficient compliance with the Act, but at any rate the objection should have been taken as a preliminary objection. On the merits, the learned judge held that the landlord was entitled to an order for possession.

Wilson, for landlord. *Bonnar*, for tenants.

Full Court.]

DIXON v. MCKAY.

[June 13.

Exemptions—Actual residence or home of debtor—R.S.M., c. 53, s. 43 (K).

Interpleader issue in County Court to determine claim of defendant: that the building seized in August, 1898, under execution was exempt under