

Street, J.]

[July 22.

EXCELSIOR LIFE INSURANCE CO. v. EMPLOYERS' LIABILITY ASSURANCE CORPORATION.

RE FAULKNER.

*Arbitration and award—Insurance policy—Provision for appointment of arbitrators—R.S.O. 1897, c. 62, s. 8 (O.).*

A guarantee policy of insurance made by the defendants in favour of the plaintiffs contained a provision that if any difference should arise in the adjustment of a loss, the award should be ascertained by two disinterested persons, one to be chosen by each party; and on their disagreement the two should choose a third, the award of the majority to be sufficient. Differences having arisen, the plaintiffs appointed their arbitrator, of which they notified the defendants, and required them to appoint theirs, which they refused to do, thereupon the plaintiffs, acting under s. 8 of R.S.O. 1897, c. 62, appointed their arbitrator sole arbitrator, and he went on and made his award.

*Held*, that this submission properly came within the terms of the statute.

*Aylesworth*, K.C., for applicant. *R. McKay*, contra.

Divisional Court.]

WILDMAN v. TAIT.

[August 12.

*Assessment and taxes—Sale for taxes—Validity of assessment—Lien for purchase money.*

Section 218 of the Assessment Act, R.S.O. 1897, c. 224, which gives a tax purchaser a lien for the purchase money and the ten per cent. thereon, has no application where the taxes have not been lawfully imposed, or where there are no taxes in arrear.

On appeal to the Divisional Court, the judgment reported in 32 O.R. 274, was varied by holding that the lands had been validly assessed for the years 1892 and 1893, and that the defendant, therefore, had a lien for the amount of the purchase money to the extent of the taxes for those years, with costs and expenses, ten per cent. interest, and the taxes subsequently paid, with like interest. In other respects the judgment was affirmed.

*A. C. Macdonell*, and *J. I. C. Thompson*, for appellants. *H. T. Beck*, for respondents.

Meredith, C.J.]

MURDY v. BAER.

[August 17.

*Surrogate Court—Guardian appointed by—Right to pass accounts before Surrogate judge.*

There is no authority in the judge of the Surrogate Court to pass the accounts of the guardian of an infant appointed by such Court. Sec. 18 of