

Province of Ontario.

COURT OF APPEAL.

From Divisional Court.]

[March 6.

MONRO v. TORONTO RAILWAY CO.

Partition—Parties—Tenants in common—Lease—Infant—Repudiation.

The plaintiff, having when he came of age repudiated a lease to the defendants of land of which he and his brother and sister were tenants in common, made when he was an infant, and having made a partition by deed with his brother and sister, to which the defendants were not parties,

Held, MACLENNAN, J.A., dissenting, that the brother and sister were necessary parties to the plaintiff's action for a partition as against the defendants in respect of their possession under the lease.

Judgment of a Divisional Court, ante p. 39; 4 O.L.R. 36, reversed, and judgment of MEREDITH, C.J., restored.

J. Bicknell, K.C., for appellants, defendants. *C. Millar*, for plaintiff.

From MacMahon, J.]

[April 14.

LEE v. CANADIAN MUTUAL LOAN CO.

Building Society—Mortgage—Mortgagor becoming shareholder—Liability for losses.

It was held that, under the mortgage in question in this case and the by-laws and rules of the defendants and their predecessors in interest applicable thereto, the plaintiff was entitled to a discharge of his mortgage, given in form as collateral security for the payment of shares subscribed for by him, upon payment of the principal and interest as therein provided; and that the defendants could not charge against the mortgage a share of losses incurred in the management of the company.

Judgment of MACMAHON, J., 3 O.L.R. 191, reversed.

W. J. Clark, for appellant. *Shepley*, K.C., and *A. McLean Macdonnell*, for respondents.

From County Court.]

[April 14.

IN RE EQUITABLE SAVINGS LOAN ASSOCIATION.

Companies—Winding up—Final order—Applicable order—Order dissolving company—Order rescinding—Cons. Rule 358.

On March 24, 1902, a County Court Judge made an order upon an affidavit of one of the liquidators declaring that the above named association should be and was dissolved. On June 21, 1902, upon the