

re-transfer the shares after the meeting. No re-transfer was made, and the defendant remained in ignorance of the shares standing in his name until the association became financially embarrassed, when an action was brought against him for calls which were unpaid on the shares.

*Held* (reversing the judgment of MACMAHON, J.), that he was a shareholder, and as such was liable.

*Meredith, Q.C.*, for the appeal.

*Purdum, contra.*

Divl Court.]

[May 10.]

VIVIAN T. THE CORPORATION OF THE TOWNSHIP OF MCKIM.

*Assessment—Appeal against—Court of Revision—Notice of sitting—R.S.O., c. 193, s. 64, s-s. 9—Appeal to county judges.*

A party complaining against his own assessment is not entitled to notice from the clerk under R.S.O., c. 193, s. 64, s-s. 9.

The proper remedy of a party dissatisfied with the decision of the Court of Revision is by an appeal to the County Judge, not by way of an action to recover back taxes collected under the assessment.

*Aylesworth, Q.C.*, for the plaintiffs.

*E. K. Cross* for the defendants.

BOYD, C.]

[April 11.]

REDD T. WILSON.

*Indian lands—Mortgage before patent—Priorities.*

This was a mortgage action in which a contest arose in the Master's office as to priorities under the following circumstances. One Porter, holder of a timber license and option of purchase of certain Indian lands from the Indian Department, assigned his rights to McGuire and Secord, who, in 1888, executed a mortgage upon them to the plaintiff. The plaintiff registered his mortgage in the county registry office, but neither it nor the assignment from Porter to McGuire and Secord were recorded in the Indian Department.

The defendant Wilson had obtained a patent of the lands from the Indian Department, making title under an assignment from Porter to McGuire, and McGuire to himself, which assignments were duly recorded in the Indian Department.

No actual notice of the plaintiff's mortgage was proved against Wilson, who, however, did not give value for his assignment from McGuire.

*Held*, that Wilson was entitled to priority over the plaintiff's mortgage to the extent of the money which he had expended in procuring the patent; for to this extent he was a *bona fide* purchaser for value, and the registration in the county office did not avail as notice to him of it.

*Mason, Q.C.*, for the plaintiff.

*Rykert, Q.C.*, for the defendant.