

Scane was entitled for lasting improvements was \$814.60, to be further reduced by the amount of the occupation rent since the 22nd July, 1902.

M. Wilson, K.C., for plaintiffs.

D. L. McCarthy, for defendant Scane.

FALCONBRIDGE, C.J.:—The findings of the Master that the value of the lands at the date of the deed from Moses Chandler to defendant Scane was \$1,000, and that the present value thereof is \$2,100, and that the increase is attributable wholly to the lasting improvements, are entirely borne out by the evidence. The Master also worked up the improvements item by item, and, except for the negligible difference of \$19.60, the same result is arrived at. In this view it is not relevant or material to pursue a nice inquiry whether tenant for life or years would have made any of these improvements at all events and for his own immediate benefit. The position that allowance ought not to be made for what defendant Gibson did is not tenable. He is a party to the action; he never completed his purchase or paid anything to Scane. Assuming that the Master allowed the full rent of the improved land, interest on the outlay ought to be allowed. *Munsie v. Lindsay*, 11 O. R. at p. 53, referred to. Report referred back to be varied by deducting \$19.60 from the sum allowed to defendants, and by allowing defendants interest on the money expended on improvements. No costs of appeal.

MACLENNAN, J.A.

OCTOBER 12TH, 1903.

CHAMBERS.

METALLIC ROOFING CO. OF CANADA v. LOCAL
UNION No. 30, AMALGAMATED SHEET METAL
WORKERS' INTERNATIONAL ASSOCIATION.

*Appeal — Leave — Extension of Time — Parties — Service of
Writ of Summons.*

Motion by plaintiffs for an order extending the time for appeal and for leave to appeal from an order of a Divisional Court (2 O. W. R. 183) of the 4th March, 1903, setting aside the service of the writ of summons on one J. H. Kennedy for the defendant association. On the 6th March, 1903, an order was made on consent authorizing representation of members of the association by individual defendants. On the 5th October, 1903, an order was made by MACMAHON, J.,