

accepted by the trial judges; and that on the question of increase of risk, the Ontario courts had adopted too narrow a construction in holding that such increase could only be effected by direct dealing with the property insured, but there was no increase in fact.

MR. JUSTICE GWYNNE was of opinion that the whole case was open and that the court should pronounce upon it without considering themselves bound by the findings in the court below. Appeal dismissed with costs.

Aylesworth, Q.C., and McCarthy (F. B. Osler with them), for appellants. S. H. Blake, Q.C., and Riddell, Q.C. (McKay with them), for respondent.

Que.] STANDARD LIFE ASSURANCE CO. v. TRUDEAU. [May 4.

Appeal—Amount in dispute—Pleas—Incidental matters.

Poirier, for whose murder in the Province of Quebec his wife was hung, had two policies of insurance on his life for \$1,000 each. After the execution of Mrs. Poirier the insurance company brought an action to have the policies cancelled, and an appeal is now pending in the Supreme Court from a judgment against the company. In such action, Mrs. Trudeau, mother of Poirier, pending such action sued the company for \$1,000, half of the insurance, as one of the heirs of the insured, and obtained judgment in all the Quebec courts, the company having by its pleas raised the same issues as in the former action, and asked for cancellation of both policies. The company sought to appeal to the Supreme Court in this action also, and applied to the Court for approval of security which had been refused by the registrar.

Held, refusing such application, that the amount in dispute was only \$1,000: that the company could not by the pleas increase the demand so as to give jurisdiction to the Court.

Falconer, for the motion. *Fitzpatrick, Q.C., Solicitor-General, contra.*

Province of Ontario.

HIGH COURT OF JUSTICE.

Street, J.] REG. EX REL. BURNHAM v. HAGERMAN & BEAMISH. [March 5.

Municipal corporation—Aldermen—Qualification of—Title by possession—“Partly freehold and partly leasehold”—Meaning of.

In quo warranto proceedings under the Municipal Act it is permissible to join two or more persons in the one motion only when the ground of objection apply equally to both.