

the balance paid by the railway company, without costs, and no costs of the appeal as between the railway company and the third parties.

HON. SIR WM. MEREDITH, C.J.O., HON. MR. JUSTICE MACLAREN and HON. MR. JUSTICE MAGEE agreed.

HON. MR. JUSTICE LENNOX.

MARCH 17TH, 1914.

RE DARCH.

6 O. W. N. 107.

Estates—Settled—Repairs—Necessity of—Authority to Mortgage—Application of Mortgage Moneys—Taxes—Mortgage Interest—Insurance Premiums—Division of, between Life Tenant and Remaindermen—Order—Terms of.

LENNOX, J., on a petition under the Settled Estates Act authorised a mortgage to be placed upon the property in question in order to secure repairs and ordered that the property be insured to its full insurable value, the life tenant to pay one-third of the premiums on such insurance and the remaindermen two-thirds.

Petition by Thomas Darch under the Settled Estates Act, heard at London Weekly Court.

T. G. Meredith, K.C., for applicant, Thomas Darch.

N. P. Graydon, for James Darch.

M. P. McDonagh, for Official Guardian.

HON. MR. JUSTICE LENNOX:—There was not any sharp divergence of opinion between counsel in this matter. The need of repairs is admitted on all hands; and that they can only be made by affecting a mortgage upon the property.

There are taxes in arrear, which must be paid before long. These will amount to more than \$100 and, it was thought, less than \$200. It will take \$900 to put the premises in repair and \$100 for legal expenses.

There will be an order declaring that Thomas Darch is a tenant for life, of the lands in question, and authorizing and empowering him to borrow by way of mortgage upon the security of these lands, the sum of \$1,000, and in addition a sum sufficient to discharge the taxes in arrear, the expenses of the loan, and the probable expenses of the Official Guardian in seeing to the application of the mortgage money, and if the parties desire it may include a premium for three years insurance.