

The appeal was heard by RIDDELL and LENNOX, JJ., FERGUSON, J.A., and ROSE, J.

F. D. Davis, for the appellant.

D. L. McCarthy, K.C., for the plaintiffs, respondents.

THE COURT varied the judgment by declaring that a trust should be created for all the parties, including the defendant, who should be removed from his trusteeship, and the Trusts and Guarantee Company appointed trustee, if it will consent to act. The appellant to pay the costs of the appeal.

SECOND DIVISIONAL COURT.

JANUARY 30TH, 1917.

BURDICK v. STATHAN.

*Deed—Conveyance of Land—Agreement of Grantee to Maintain Grantor—Covenant—Breach—Condition — Forfeiture — Relief against—Evidence—Waiver.*

Appeal by the defendant from the judgment of MIDDLETON, J., ante 213.

The appeal was heard by RIDDELL and LENNOX, JJ., FERGUSON, J.A., and ROSE, J.

F. D. Davis, for the appellant.

E. C. Saunders, for the plaintiff.

THE COURT dismissed the appeal with costs.

SECOND DIVISIONAL COURT.

JANUARY 30TH, 1917.

BALL v. WINTERS.

*Master and Servant—Claim for Arrears of Wages—Promise to Increase Wages—Evidence—Failure to Establish Claim.*

Appeal by the plaintiff from the judgment of FALCONBRIDGE, C.J.K.B., ante 92.