

The plaintiffs have no locus standi to assert the rights of the sub-contractors against the defendant Mrs. Gallagher. Rightly or wrongly, it has been held that these sub-contractors have no lien against Mrs. Gallagher's land, and consequently she is not liable to pay them. The plaintiffs, who are their primary debtors, have not paid these sub-contractors. Nevertheless, the plaintiffs have been paid or allowed all that they are entitled to claim as against the defendant Mrs. Gallagher.

The effect of the judgment of the Divisional Court is to confine the sub-contractors to their remedies against the plaintiffs, and the lien-holders have not sought to appeal from the judgment.

The motion should be refused with costs.

HIGH COURT OF JUSTICE.

MIDDLETON, J., IN CHAMBERS.

FEBRUARY 25TH, 1911.

RE BAILLIE.

Land Titles Act—Motion under sec. 104 to Discharge Building Condition—Extraordinary Power of Court—Exercise of—Common Building Scheme—Notice to Persons Interested.

Motion by a land-owner, under sec. 104 of the Land Titles Act, for an order discharging a condition as to building, registered under the same section, upon a sale of the lands in question by W. H. Pike to Chesnut on the 1st February, 1887.

H. H. Shaver, for the applicant.

MIDDLETON, J.:—The condition is indorsed upon a transfer, in the ordinary form, and apparently absolute, in the form of a request by the grantor to the Master of Titles "to register as annexed to" the land transferred this condition: "No buildings are to be erected upon the said lands except residences of the value of at least \$1,200 and the necessary outbuildings." To this registration the grantee assents.

The land conveyed was lot 14, part of parcel 42, York. The material before me is the consent of the owners of lot 14, the applicant being owner of part of this lot.