

not bring the case within the section. Neither owner has expended any money of his own, and both are accountable to the subscribers for the money received. The appeal should be allowed and the order should be vacated, but it is not a case for costs." A. B. Drake, for the appellant. E. S. Wigle, K.C., for the respondent Irish.

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RENNEY v. DEMPSTER—DIVISIONAL COURT—JUNE 10.

*Mechanics' Lien—Preservation of Lien—Materials Furnished after Completion of Building—Scheme between Parties—Mala Fides.*—Appeal by Keating and Sunridge from the judgment of J. A. C. Cameron, an official referee, in a mechanics' lien action to enforce a lien for bricks supplied in the erection of a certain building. The referee dismissed the claim. The appeal was heard by FALCONBRIDGE, C.J.K.B., BRITTON and RIDDELL, JJ., and dismissed with costs. RIDDELL, J., gave a written judgment in which he stated that the Court had called upon the referee for the reasons for his judgment, which had been furnished, and from which it appeared that the brick which it is claimed kept the lien alive, were furnished after the building was completed, and were not to be used in the building. This was the outcome of a scheme between the parties, in bad faith, to advantage the appellants at the expense of others; and does not come within the Act. W. A. McMaster, for Keating and Sunridge. J. E. Jones, for the plaintiff. S. H. Bradford, K.C., for the Watt Milling Co.

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BENNETT v. HAVELOCK ELECTRIC LIGHT AND POWER CO.—MOSS, C.J.O., IN CHAMBERS—JUNE 12.

*Appeal—Court of Appeal—Motion to Remove Stay of Execution—Circumstances Unchanged since Judgment Appealed from.*—Motion by the plaintiffs under Con. Rule 827, to remove stay of execution, pending the defendants' appeal to the Court of Appeal from the judgment of the Divisional Court, 21 O.L.R. 120, as varied by the judgment noted, ante 1046. "Upon the material now before me, I am unable to distinguish the case from the case of Centaur Cycle Co. v. Hill, 4 O.L.R. 92. There has been no change of circumstances since the trial, or the judgment of the Divisional Court from which the present appeal is brought; and I am unable to say that the appeal is not being prosecuted in good faith, or not on substantial grounds. The