

Graham, E.J., Trial.]

[July 12.]

KAULBACH v. MORASH.

Vendor and purchaser—Unpaid purchase money—Lien for enforcement of Statute of Limitations—Interest.

The main defence to an action to enforce a vendor's lien for unpaid purchase money was that the claim was barred by the Statute of Limitations, but it appeared from letters written by defendant that within the period of twenty years he had acknowledged plaintiff's right to the purchase money, and to have the property to satisfy it, and further, that ever since a payment made on account, more than twenty years before action brought, the defendant had been in a foreign country out of the jurisdiction of the court.

Held, 1. That plaintiff was entitled to a lien on the land for the amount of his claim.

2. That he was entitled to recover interest on the amount at the rate of six per cent. to date of the writ and interest at the same rate after that date until payment of the amount claimed.

3. That plaintiff was entitled to an order for sale of the land as in case of foreclosure and sale, unless before the day of sale the amount due was paid.

Pakin, K.C., for plaintiff. *Chesley*, K.C., and *Lane*, for defendant.

Graham, E.J.]

[July 12.]

EQUITY LODGE No. 11, PROVINCIAL WORKMEN'S ASSOCIATION
v. McDONALD.

Beneficial association—Dissolution—Distribution of funds.

Plaintiff was a subordinate lodge of an association known as the Provincial Workmen's Association, the general affairs of the association being managed by a body known as the Grand Council, which was supported by fees received from the various lodges and had power to enforce special levies for funds and made grants of funds to lodges in cases of strikes or other necessity. The various lodges composing the association were incorporated and the Grand Council was also incorporated and upon the dissolution of subordinate lodges the property of such lodges was forthwith vested in the Grand Council, to be applied for purposes specified in the act incorporating the latter body. A majority of the members of plaintiff lodge desired to surrender the charter of the lodge and dissolve the lodge and distribute