

REPORTS AND NOTES OF CASES

Dominion of Canada.

SUPREME COURT.

Ontario.]

[March 24.]

ADAMSON v. ROGERS.

*Lessor and Lessee—Water lots—Filling in—"Buildings and erections"—
"Improvements."*

The lessor of a water lot, who had made crib-work thereon and filled it in with earth to the level of adjoining dry lands, and thereby made the property available for the construction of sheds and warehouses, claimed compensation for the works done under a proviso in the lease by the lessor to pay for "buildings and erections" upon the leased premises at the end of the term.

Held, affirming the judgment of the Court below (22 Ont. App. R. 416) that the crib-work and earth filling became part of the ground leased, and were not "buildings and erections" within the meaning of the proviso.

Appeal dismissed with costs.

Laidlaw, Q.C., for appellant.

Robinson, Q.C., and *McDonald*, Q.C., for respondent.

Ontario.]

[May 16.]

ROBERTSON v. JUNKIN.

*Will—Legacy—Bequest of partnership business—Acceptance by legatee—
Right of legatee to an account.*

J. and his brother carried on business in partnership for over thirty years, and the brother having died, his will contained the following bequest: "I will and bequeath unto my brother J. all my interest in the business of J. & Co. in the said City of St. Catharines, together with all sums of money advanced by me to the said business at any time, for his own use absolutely forever, and I advise my said brother to wind up the said business with as little delay as possible."

Held, affirming the decision of the Court of Appeal, that J., on accepting the legacy, could not be called on to contribute to any deficiency in the assets to pay creditors, and did not lose his right to have the accounts taken in order to make the estate of the testator pay its share of such deficiency.

Appeal dismissed with costs.

Aylesworth, Q.C., for appellant.

McCarthy, Q.C., for respondent.