

ORPEN v. MACKIE—SUTHERLAND, J.—Dec. 28.

*Receiver—Motion to Continue—Evidence—Prejudice.*]—Motion by the plaintiff to continue a receiving order; heard in the Weekly Court at Toronto. SUTHERLAND, J., in a written judgment, said that, in view of the facts set forth in the affidavit of Mr. McKay and of the assignment from Glendenning to Martha B. Glendenning, dated the 6th June, 1916, he did not think he should make an order as asked continuing the order made on the 16th instant appointing the Guardian Trust Company Limited receiver. He was unable to say that, in the circumstances, if the order were made, it might not affect prejudicially the interest of some of the parties other than the plaintiff. Motion dismissed with costs. T. R. Ferguson, for the plaintiff. R. McKay, K.C., for the Thunder Mining Company Limited, the Chartered Trust Company, and Messrs. Johnston, McKay, Dods, & Grant. J. H. Spence, for G. T. Clarkson, assignee of George Glendenning, the Mackie estate, and the Bank of Nova Scotia. G. H. Sedgewick, for George Glendenning.

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SHEA v. DORE—FALCONBRIDGE, C.J.K.B.—DEC. 29.

*Limitation of Actions—Possession of Land—Ownership—Devise.*]—Action by the daughter of James Dore, deceased, for the ascertainment and declaration of the rights of herself and his other children in regard to his lands, and for partition or sale. The action was tried without a jury at Hamilton. FALCONBRIDGE, C.J.K.B., in a written judgment, said that this case fell within the provisions of the Limitations Act, R.S.O. 1914 ch. 75, sec. 12. The caretaker cases such as Heward v. O'Donohoe (1891), 19 S.C.R. 34, did not apply. Diana Dore was at the time of her death the absolute owner of both parcels by length of possession and occupation and receipt of rents and profits, and the defendant was her devisee. Action dismissed with costs. H. D. Petrie, for the plaintiff. A. O'Heir, for the defendant.