

The Ontario Weekly Notes

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APPELLATE DIVISION.

OCTOBER 14TH, 1914.

MILES v. CONSTABLE.

Landlord and Tenant—Flooding of Demised Premises—Knowledge of Landlord—Concealment of Defect—Appeal—New Trial—Leave to Amend.

Appeal by the defendants from the judgment of KELLY, J., 6 O.W.N. 362.

The appeal was heard by MULOCK, C.J.Ex., CLUTE, RIDDELL, and LENNOX, JJ.

C. A. Moss, for the appellants.

T. F. Slattery, for the plaintiff, the respondent.

THE COURT set aside the judgment and ordered a new trial. Costs of the former trial and of the appeal to be costs in the cause unless the Judge at the new trial otherwise orders. Leave to the plaintiff to amend within ten days as he may be advised. If the defendants wish to amend, they may apply within ten days after the plaintiff's amendment is served. Either party to be at liberty to examine for discovery.

OCTOBER 15TH, 1914.

RE MESSENGER.

Will—Construction—Appointment of Trust Company as "Executor and Trustee"—Revocation by Codicil of Appointment of Executor and Appointment of Individuals as Executors—Effect as to Trusteeship—Appeal—Consent Order Appointing Additional Trustee.

Appeal by the National Trust Company and A. C. Laughrey and M. A. Lieber from the order of MIDDLETON, J., 6 O.W.N. 667.