

Toronto. The learned Chief Justice said that, in the circumstances of the case, he must hold both defendants liable to the plaintiff. Judgment accordingly for the plaintiff for \$1,803.57, with interest from the date of the issue of the writ of summons and costs, against both defendants. No internecine relief or costs as between the defendants. For whatever money the defendant Mary Parker pays or is obliged to pay under this judgment she is to have a first charge on the estate of her husband in the hands of the defendant the Toronto General Trusts Corporation. C. L. Dunbar, for the plaintiff. R. McKay, K.C., for the defendant Mary Parker. A. Ogden, for the defendant corporation.

RE THOMAS AND MORRIS—SUTHERLAND, J., IN CHAMBERS—
APRIL 28.

Mortgage—Proceedings to Enforce—Application for Leave under Mortgagors and Purchasers Relief Act, 1915—Arrangement between Mortgagor and Mortgagee for Receipt and Application of Rents of Mortgaged Properties.—Application by Herbert E. Thomas, mortgagee, under the Mortgagors and Purchasers Relief Act, 1915, for an order permitting the institution of proceedings for foreclosure or sale in respect of two mortgages made to the applicant by Thomas R. Morris and his wife. It appeared by affidavit that there was owing on each of the two mortgages the instalment of principal payable on the 31st January, 1915, and that the mortgagor, in respect thereof, sought the protection of the Act. After hearing argument, the learned Judge suggested that some arrangement might be made looking to the mortgagee receiving the surplus of the rents of the mortgaged properties after payment of the interest on the mortgages and taxes. Acting upon this suggestion, the parties arranged that the solicitors for the mortgagor shall receive the rents of the properties as they become due, and, after payment thereof of the interest and taxes, hand over to the mortgagee, without expense to him, the balance thereof, to be applied in payment of the past due and future accruing principal. In view of this arrangement, the motion was dismissed without costs. G. M. Willoughby, for the applicant. W. C. Davidson, for the respondents.