

An appeal by the defendant from a judgment of HON. MR. JUSTICE LENNOX, 23 O. W. R. 834.

The appeal to the Supreme Court of Ontario (First Appellate Division) was heard by HON. SIR WM. MEREDITH, C.J.O., HON. MR. JUSTICE MACLAREN, HON. MR. JUSTICE MAGEE and HON. MR. JUSTICE HODGINS.

Gordon Waldron, for the defendant.

A. F. Lobb, K.C., for the plaintiff.

THEIR LORDSHIPS (V. V.), affirmed the finding of fact in the Court below, but reduced the amount of the judgment to be recovered by the plaintiff for his commission from \$6,675, to \$5,675. No costs of appeal allowed.

SUPREME COURT OF ONTARIO.

SECOND APPELLATE DIVISION.

FEBRUARY 7TH, 1913.

BURROWS v. CAMPBELL.

4 O. W. N. 747.

Assessment and Taxes—Tax Sale—Action to Set Aside—Gross Irregularities—Plaintiff Continuing in Possession as Tenant of Purchaser—Estoppel—Sec. 173 Assessment Act—Stay of Execution.

Action to set aside a tax sale and tax deed. There had been gross irregularities in connection with the same, but plaintiff had had ample notice, and since the sale had continued in occupation of the lands sold, paying rent to defendant and his predecessor in title, who had purchased the lands at the said sale.

FALCONBRIDGE, C.J.K.B., (23 O. W. R. 271) *held*, that notwithstanding the irregularities, plaintiff could not dispute his landlord's title, and that the action was an unconscionable one.

Action dismissed with costs, thirty days' stay.

Quære, as to whether *Donovan v. Hogan*, 15 A. R. 342, is still a binding authority, having regard to the wording of present sec. 173 of the Assessment Act, 4 Edw. VII. ch. 23.

SUP. CT. ONT. (2ND. AFF. DIV.) affirmed above judgment.

An appeal by the plaintiff from a judgment of HON. SIR GLENHOLME FALCONBRIDGE, C.J.K.B., 23 O. W. R. 271.

The appeal to the Supreme Court of Ontario, Second Appellate Division, was heard by HON. SIR WM. MULOCK,