

at the date of the seizure the F. mortgage was at an end, and only the mortgage to the trustees existed; that the effect of the mortgage to H. was that the whole place, land and fixtures, was mortgaged to him in June, 1884, and thus an intention was indicated by the owner G. to reunite the property temporarily severed by the mortgage to the H. trustees, and the whole became land, subject to that intermediate chattel mortgage, and when it expired (which it did in 1889) the temporary character of the personality disappeared, and the increased value went to feed the landowner's title, and was not intercepted by the execution.

Langton, Q.C., for the appeal.

Walkem, Q.C., *contra*.

STREET, J.]

[Sept. 14.

IN RE ONTARIO FORGE AND BOLT COMPANY.

Company—Winding up—R.S.C., c. 129, s. 3--52 Vict., c. 32, s. 3.—Voluntary winding up—Compulsory liquidation—"Doing business in Canada."

There is no clashing between s. 3 of The Winding-up Act, R.S.C., c. 129, and s. 3 of The Winding-up Amendment Act, 52 Vict., c. 32. The latter Act provides for the voluntary winding up of the companies falling within its provisions, and not to their compulsory liquidation, which is provided for by the former.

A company incorporated under an Act of the Province of Ontario, and carrying on business in Ontario, is "doing business in Canada" within the meaning of s. 3 of the original Act.

John Greer for the petitioners.

McCarthy, Q.C., and *W. B. Raymond* for the respondents.

Common Pleas Division

STREET, J.]

[May 14.

RE KOCH AND WIDEMAN.

Vendors and Purchasers' Act—Power of sale—Surviving executors.

Where executors were given power to sell lands, with a direction to invest part of the proceeds of said sale,

Held, on a petition under the Vendors and Purchasers' Act, that such power could be exercised by the surviving executor, and was not interfered with by The Devolution of Estates Act, R.S.O., c. 108, and amending Act, such power not being merely a bare power, but one coupled with an interest; and it was likewise exercisable, even though it should be held to be without an interest.

A. H. Marsh, Q.C., for the petitioner.

No one showed cause.