

I can find nothing in principle or authority to prevent a mortgagee who is assessed for the property qualifying on his legal estate. The same considerations apply also to Roberts. If they make a proper declaration within ten days, their appeal will be allowed; but without costs here or below. They are given an indulgence in being allowed to make now a declaration which should have been made three months ago, and without which they had no right to their seats. It would seem necessary again to call attention to the necessity of observing the plain directions of the statutes, in the forms prescribed, &c.

If the declaration be not made by either within 10 days, the appeal of that one will be dismissed with costs.

While it is, in my view, probable that there is no necessity for the relator to file an affidavit that the facts as to the defect in the declaration came to his knowledge only within 6 weeks before the notice of motion was served, he will be permitted to do so if so advised, for the greater caution in case of an appeal from this decision or in case either of the respondents fails to make the proper declaration.

MASTER IN CHAMBERS.

APRIL 17TH, 1912.

HON. MR. JUSTICE MIDDLETON.

MAY 3RD, 1912.

KUULA v. MOOSE MOUNTAIN LIMITED.

3 O. W. N. 1085, 1203; O. L. R.

Action — Consolidation — Common Defendant — Distinct Claims by Different Plaintiff — Action for Damages for Negligently Setting out Fire.

Application by defendants for an order consolidating four actions or staying proceedings in all but the first pending its trial and directing further that only one of the pending examinations for discovery be allowed to proceed. The actions were all brought by the same solicitor in respect of alleged negligence of defendants on 10th July, 1911, in negligently setting out a fire and allowing it to escape to the respective lands of defendants.

MASTER IN CHAMBERS dismissed the motion, costs in cause to plaintiffs, and defendants appealed.

MIDDLETON, J., dismissed appeal; costs to plaintiffs in any event. *Westbrook v. Australian Mail*, 23 L. J. C. P. 42, and *Williams v. Raleigh*, 14 P. R. 50, followed.

History of and principles governing consolidation of actions discussed.

Appeal by the defendants in these four cases from an order of the Master in Chambers, refusing to consolidate the actions or to stay proceedings in the actions other than the firstly-named action, pending the trial of that action.