

OSLER, J.A.]

[July 15.]

KINNEAR v. ASPDEN.

Apportionment—Landlord and tenant—Rent—Mortgagor and mortgagee—Eviction—R.S.O., c. 143, s. 2, et seq.

Where demised property is sold by a prior mortgagee under power of sale, and the lease is thus determined between two gale days, the rent is apportionable, and the tenant is liable to pay rent up to the day of such determination.

Judgment of the Junior Judge of Simcoe affirmed.

Armour, Q.C., for the appellant.

Aylesworth, Q.C., and F. J. Travers for the respondent.

FERGUSON, J.]

[Sept. 26.]

IN RE HELPS' ESTATE.

Trustee under will—Security.

A new trustee appointed by the court in the stead of one appointed by will is not required to give security for the due performance of the trusts, etc.

Garrow, Q.C., for the petitioner.

J. Hoskin, Q.C., and E. L. Dickinson for the respondents.

BOYD, C.]

[Sept. 27.]

MORSE v. LAMB.

Mortgage action—Default of appearance—Noting pleadings closed—Rule 393.

By analogy to Rule 393, where, in a mortgage action for foreclosure or sale, some of the defendants do not appear to the writ of summons and others do appear, the officer may note the pleadings closed as against those who do not appear.

C. W. Kerr for the plaintiffs.

[Sept. 28.]

CHARLEBOIS v. GREAT NORTH-WESTERN R.W. CO.

Judgment debtor—Company—Examination of officer—Rule 927—Scope of inquiry.

The object of the examination under Rule 923 of an officer of a body corporate, after judgment against it, is to discover assets of a company or to follow assets wrongfully disposed of,

and within this limit a judgment creditor is entitled to full disclosure of the company's concerns, and as a consequence to have access to its books pertinent to that line of inquiry. The person examined is to facilitate the examination by procuring all information in the possession of the company which he himself has not as an officer of the company.

There is no right to examine as to dealings with stock which were had after it was fully paid up.

H. S. Osler for the plaintiff.

McMichael, Q.C., for the defendants.

Appointments to Office.

MASTER IN CHAMBERS.

Province of Ontario.

John Winchester, of the City of Toronto, in the County of York, Esquire, Barrister-at-Law, to be Master in Chambers, in the room and stead of Robert Gladstone Dalton, Esquire, deceased.

SHERIFFS.

County of Norfolk.

Joseph Jackson, of the Town of Simcoe, in the County of Norfolk, Esquire, to be Sheriff in and for the said County of Norfolk, in the room and stead of Edmund Deedes, Esquire, deceased.

CORONERS.

County of York.

David Abraham Nelles, of the Village of Thornhill, in the County of York, Esquire, M.D., to be an Associate-Coroner in and for the said County of York.

COUNTY ATTORNEYS.

County of Dufferin.

Walter John Lockwood McKay, of the Town of Orangeville, in the County of Dufferin, Esquire, Barrister-at-Law, to be County Crown Attorney and Clerk of the Peace in and for the said County of Dufferin, in the room and stead of Elgin Myers.

County of Prince Edward.

James Roland Brown, of the Town of Picton, in the County of Prince Edward, Esquire, Barrister-at-Law, to be County Crown Attorney