

sideration of the plaintiff's claim and disallow any objection raised by him: see sec. 169, sub-sec. 3, and secs. 140 and 141 of the Land Titles Act; so that the suggestion . . . that another forum had disposed of the question here involved is untenable.

The judgment of the Divisional Court should be set aside, and the judgment of the trial Judge should be restored and varied by declaring that the patent granted to the defendants of the island in question, called therein "Claytonwood Island," dated the 2nd August, 1909, is void and should be delivered up to be cancelled, and that a copy of such judgment be registered in the Provincial Secretary's office, and with the Local Master of Titles at Bracebridge, and the register in the Land Titles office there corrected. This relief may be granted under the prayer for further and other relief; yet, as all the facts were fully brought out at the trial, and the defendants cannot be prejudiced, the record may be amended. . . .

The plaintiff is entitled to the costs of this appeal and of the appeal to the Divisional Court.

APRIL 7TH, 1913.

*RE STRATFORD FUEL ICE AND CONSTRUCTION CO.

COUGHLIN AND IRWIN'S CLAIM.

Company—Winding-up—Claim on Assets—Guaranty—Compromise of Action—Double Ranking—Winding-up Act, secs. 36, 37, 76, 77, 78, 82, 83—Proof under Act—Affidavit of Claim—Compounding.

Appeal by Coughlin and Irwin, the claimants, from the order of MIDDLETON, J., ante 414, allowing the liquidator's appeal from an order of the Local Master at Stratford by which the claimants were permitted to rank upon the assets of the above-named company, in a winding-up proceeding, for the sum of \$4,800 paid by them to the Traders Bank of Canada in discharge of their liability upon a guaranty of the indebtedness of the company to the bank.

*To be reported in the Ontario Law Reports.