

allegations contained in the latter part of paragraph 3 of the said defence in that the defendants do not allege that the plaintiff was the wife of the said Daniel Francis Burk, deceased."

The paragraphs quoted were struck out by the Master, and his orders were affirmed by Sutherland, J., in Chambers. Leave to appeal was now asked for, under Rule 507.

It was admitted that there was no conflict of judicial decisions. The plaintiff, under Rule 507, must establish that there was good ground to believe that Sutherland, J., came to a wrong conclusion, and also that the question involved was of sufficient importance to justify an appeal.

The point was of no general importance, and it was of no practical consequence to the plaintiff whether the paragraphs in question were in or out. And there was no reason for saying that Sutherland, J., erred in affirming the orders of the Master.

The motions for leave to appeal should be dismissed, with costs as in the orders of Sutherland, J.

RE SECURITIES LIMITED AND OSTER—LENNOX, J., IN CHAMBERS—
JUNE 9.

Mortgage—Sale under Power—Distribution of Surplus Proceeds—Contest as to Priorities—Costs.]—Motion by Charles E. Oster for payment out of Court to him of a sum of \$400, the surplus proceeds of a mortgage sale. The motion was opposed by one Carlaw and one Shaw; each for himself claimed the money in Court. LENNOX, J., in a written judgment, after discussing the facts as they appeared upon affidavits, found that, as between themselves, Carlaw had priority over Shaw; and, as a matter of justice, as well as legally, Oster had priority over both, and was entitled to the money in Court. Order made for payment out to Oster. Costs of the motion to be paid by the other claimants. Order not to issue for 10 days. T. J. Agar, for Oster. D. S. Constable, for Carlaw. M. C. Pritchard, for Shaw.