

mitted on all hands; and that they can only be made by effecting a mortgage upon the property.

There are taxes in arrear which must be paid before long. These will amount to more than \$100, and, it was thought, less than \$200. It will take \$900 to put the premises in repair and \$100 for legal expenses.

There will be an order declaring that Thomas Darch is a tenant for life of the lands in question and authorising and empowering him to borrow by way of mortgage upon the security of these lands the sum of \$1,000 and in addition a sum sufficient to discharge the taxes in arrear, the expenses of the loan, and the probable expenses of the Official Guardian in seeing to the application of the mortgage-money; and, if the parties desire, it may include a premium for three years' insurance.

The mortgage will provide for an insurance to the full insurable value of the buildings when put into a state of repair by the expenditure of the \$900 referred to. The mortgage-money, when obtained, will be placed in the hands of the Official Guardian, to be applied for the purposes aforesaid; the \$900 to be paid out from time to time upon progress certificates of the contractor, approved by the solicitor for the applicant.

In the absence of any special provision in the will or settlement, as here, the life-tenant has a right to the full enjoyment of the property, and is not liable for permissive waste: Halsbury's Laws of England, vol. 24, p. 175, par. 333. He is not liable for accidental injury or inevitable accident, as, for instance, loss by fire or tempest: Halsbury, vol. 18, p. 498, par. 981; and is not bound to insure: Halsbury, vol. 25, p. 614, par. 1084. But there must be insurance as a condition of authorising this incumbrance upon the property, and to obtain the loan upon favourable terms; and both parties, life-tenant and remaindermen, are interested. The insurance premiums, therefore, from time to time, will be borne in the proportion of one-third by the life-tenant and two-thirds by those in remainder.

The order will provide that the life-tenant is to pay the taxes and interest charges upon the mortgage from time to time as they fall due, and subsequent premiums of insurance, as required, to keep the insurance upon the property in force, and also the amount of taxes now in arrear and one-third of the initial premium of insurance; these two latter sums to be added together and to be repaid to the mortgagee in three equal annual payments; and as to all the payments provided for in this paragraph, if the life-tenant makes default in payment of