

Appeal by the defendants from an order of MIDDLETON, J., in Chambers, vacating, upon payment into Court of \$3,787.36, two mechanics' liens registered by the defendants against interests in certain lands in Toronto.

Leave to appeal from the order of MIDDLETON, J., in Chambers, was granted by RIDDELL, J., in Chambers, on the 25th March, 1920: see ante 85.

The appeal was heard by MULOCK, C.J.Ex., LATCHFORD and SUTHERLAND, J.J., and FERGUSON, J.A.

L. A. Landriau, for the appellants.

Hamilton Cassels, K.C., for the plaintiffs, respondents.

THE COURT directed that the money paid into Court in this action be transferred to the credit of the proceeding commenced under the Mechanics and Wage-Earners Lien Act; one of the liens having been extinguished by payment, the portion of the money paid into Court applicable to that lien to be paid out to the plaintiffs; the appeal should be allowed; the plaintiffs should pay to the defendants the costs of obtaining leave to appeal and the costs of the appeal; the costs of the application to MIDDLETON, J., should be costs in the cause.

SECOND DIVISIONAL COURT.

APRIL 20TH, 1920.

*RE SHIELDS, SHIELDS v. LONDON AND WESTERN TRUST CO.

Costs—Taxation—Defendants Severing—Rule 669—Practice—Parties Representing same Estate and Interest—Receiver of Share of Person Having Interest in Estate—Administration Proceeding.

Appeal by the plaintiff Andrew J. Shields from the order of MIDDLETON, J., 17 O.W.N. 490.

The appeal was heard by MULOCK, C.J.Ex., RIDDELL and SUTHERLAND, J.J., and FERGUSON, J.A.

W. E. Fitzgerald, for the appellant.

J. C. Elliott, for the estate of W. B. Shields and the Molsons Bank.

W. Lawr, for Jessie, Anne, and John J. Shields.

W. J. Elliott, for the Union Trust Company, receiver of the share of John J. Shields.

THE COURT dismissed the appeal with costs.

* This case and all others so marked to be reported in the Ontario Law Reports.