

MAY 15TH, 1905.

DIVISIONAL COURT.

RE LUMBERS AND HOWARD.

Landlord and Tenant—Overholding Tenants Act—Summary Proceeding by Landlord to Obtain Possession—Jurisdiction of County Court Judge—Dispute as to Length of Term—Application for Review.

Appeal by William Howard, the tenant, from order of MACMAHON, J., ante 721, dismissing motion by tenant for an order, under sec. 6 of the Overholding Tenants Act, directing the senior Judge of the County Court of York to send up the proceedings before him, under the Act, for the recovery by the landlord of possession of the demised premises, to the High Court.

W. H. Blake, K.C., for the tenant.

G. H. Watson, K.C., for the landlord.

THE COURT (MEREDITH, C.J., BRITTON, J., TEETZEL, J.), dismissed the appeal with costs, holding that the case came within sec. 3 of the Act, and referring to Moore v. Gillies, 28 O. R. 358, and Re Grant and Robertson, 3 O. W. R. 846, 8 O. L. R. 297.

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DIVISIONAL COURT.

FULMER v. CITY OF WINDSOR.

BANGHAM v. CITY OF WINDSOR.

Consolidation of Actions—Different Plaintiffs—Same Defendant—Common Subject—Inconsistent Claims—Stay of Action—Setting down for Trial.

Appeal by plaintiffs in both actions from order of FALCONBRIDGE, C.J., ante 591, reversing order of Master in Chambers, ante 589, and directing that plaintiff Bangham be added as a party defendant in Fulmer's action, and staying Bangham's action.

W. M. Douglas, K.C., for plaintiff Fulmer.

A. R. Clute, for plaintiff Bangham.

J. P. Mabee, K.C., for defendants.