

Girl's Home, a charitable institution incorporated by 26 Vict., cap. 63 (C.), and 50 Vict., cap. 91 (O.), was, under the powers conferred by these Acts, indentured as a domestic servant, an application by the mother to have such indenture set aside and for the custody of the child was refused.

*J. E. Jones*, for the applicant.

*R. S. Neville*, contra.

DIVISIONAL COURT.]

[April 10.]

ALDRICH *v.* CANADA PERMANENT LOAN & SAVINGS CO.

*Mortgage comprising several parcels—Sale under power of sale en bloc—Right of mortgagor to recover damages sustained.*

A mortgage contained two separate parcels of land, namely, a farm and some village lots, the latter not belonging to the mortgagor, but to his mother, who had become surety for the mortgagor, and for such purpose had become a party to and included the land in the mortgage. The land, under the power of sale, was sold by the mortgagees en bloc, whereas the evidence disclosed that had the parcels been sold separately, a very much larger amount would have been obtained.

*Held*, that the mortgagors were entitled to the damages they had sustained thereby.

*G. Macdonald*, for the plaintiff.

*Moss*, Q.C., and *G. McKenzie*, for the defendants.

DIVISIONAL COURT.]

[April 21.]

YOUNG *v.* WARD.

*Creditors Relief Act—Division Court execution—Return of nulla bona execution to sheriff—57 Vict., cap. 23 (O.).*

Where, on the return of a nulla bona to a Division Court execution, the plaintiff, under 57 Vict., cap. 23 (O.), amending the Division Courts Act, issued out of said Division Court an execution to the sheriff and placed it in his hands, but before the sheriff had taken any steps to enforce it, the defendant's solicitor paid him the amount of the execution and his fees, with the request to apply it on plaintiff's execution.

*Held*, reversing the judgment of the County Court Judge, that the Creditors' Relief Act applied to the moneys so received by the sheriff.

*J. E. Jones*, for the plaintiff.

*Swazie*, for the defendant.

*Macdonald*, for another execution creditor and the sheriff.

DIVISIONAL COURT.]

[April 30.]

CENTRAL BANK *v.* ELLIS.

*Receiver—Appointment—Equitable execution—Unliquidated damages.*

The appointment of a receiver to receive, on behalf of a creditor, money due to a debtor, is only made where a proper case is made out, showing the debtor to be entitled to rights, which would be subject to ordinary execution if they had been legal instead of equitable in their nature, and does not apply to the case of a claim for unliquidated damages.

*C. Miller*, for the plaintiffs.

*W. R. Raney*, for the defendant.