

MONTHLY REPERTORY—INSOLVENTS—APPOINTMENTS TO OFFICE—TO CORRESPONDENTS.

V. C. K. Feb. 28.
LONDON MONETARY ADVANCE, &C., COMPANY V.
BROWN.

Practice—Form of decree—Bill for a legal mortgage—Deposit of deeds.

Where there is a mortgage by deposit of deeds, and the memorandum states an agreement to execute a legal mortgage, a decree on a bill to enforce the security will not direct a sale, but foreclosure; but if there is no memorandum, a sale will be directed. (13 W. R. 490.)

V. C. W. Jan. 30; Feb. 13; March 3.
KIRKWOOD v. THOMPSON.

Mortgage—Redemption—Power of sale—Purchase by second mortgagee—Trustee for sale.

A second mortgagee may, in the absence of fraud, purchase the mortgaged property, on the best terms he can, when it is offered for sale by a prior mortgagee, under a power of sale.

Such a purchase is not affected by the circumstance that the second mortgagee has taken his security in the form of a trust for sale, or by the circumstance that the second mortgagee was in possession at the time of the sale. (13 W. R. 495.)

M. R. March 23, 27.
MORTIMER v. BELL.

Vendor and purchaser—Sale by auction—Puffing.

A sale by auction is not rendered void in equity by the fact that a puff was employed—not to screw up the price but only to prevent a sale at an under value.

It makes no difference that the defendant was the only bona fide bidder, and that all the ten biddings previous to his were fictitious.

Semble, unless a sale is expressed to be without reserve, it is implied that there will be a reserved price or bidding. (13 W. R. 569)

PROBATE.

IN RE ENGLISH.

The intention of a testator that a duly executed paper writing should operate as a will, may be proved by parol evidence. (13 W. R. 503.)

CROFTS v. CROFTS.

Both the attesting witnesses to a will having given evidence against its due execution, the court held the presumption *omnia rite esse acta*, to be rebutted, although the will appeared on the face of it to be duly executed, and the attestation clause was complete and formal. (13 W. R. 526.)

INSOLVENTS.

(Gazetted March 11, 1865)

John Stickland.....	Brandonford.
David Linklater.....	Mitchell.
Daniel Harmer.....	Montreal.
Samuel Morningstar.....	Bertie.
George S Morningstar.....	Bertie.
Levi Morningstar.....	Bertie.

James Doyle.....	Gananoque.
Benjamin Allon.....	Owen Sound.
Alfred Fisher.....	Sarnia.
Charles Page Cameron.....	Tp. Haldimand.
William Wilson.....	Port Hope.
William Mickle.....	Meaford.
Harrison C. Bettes.....	Brighton.
John Allen.....	Tp. Brock.
H. N. Case.....	Hamilton.
James Matchet.....	Tp. Nottawasaga.
Richard Dickson.....	Pembroke.
William Bennett.....	Port Hope.
Frederick Rumball.....	Clinton.
Henry C. Kaye.....	Guelpf.
J. J. Marshall.....	Mount Forest.
U. C. Lee.....	Stratford.
James Charlton.....	Montreal.
John Sharpe.....	Asphodel.
Henry Fowlds.....	Asphodel.
Norbert Goderre.....	Montreal.
William Gorion.....	Millbrook.
Templeton Brown.....	Peterboro'.
Chas. Desjardins.....	Quebec.
A. Couture.....	Quebec.
Andrew Wallace.....	Goderich.
Robert Park.....	Goderich.

(Gazetted, 15th March, 1865.)

John Sullivan.....	Seymour.
Francis W. Heather.....	Peterborough.
Hector McLean.....	Tp. Mariposa.
Hugh McLean.....	Tp. Mariposa.
Archibald McLean.....	Tp. Mariposa.
Thomas Gerrin jun.....	Mt. Vernon.
T. R. Cousins.....	Merrickville.
Magloire Morrissette.....	Quebec.
A. Young & Son.....	Sarnia.
John David Fee.....	Stratford.
Heny Bechtel, jun.....	Tp. Waterloo.
Robert Jones.....	Guelpf.
George Trock Morehouse.....	St. John.
J. Bto D'Aoust.....	St. Polycarpe.
William Browne.....	Ottawa.
J. W. Stone.....	Burleigh.
Giles Stone.....	Burleigh.
William Darley Pollard.....	Meaford.
Robert Sanderson.....	Hamilton.
Joel Carpenter.....	London.
Lachlin McQuarrie.....	Brampton.
W. A. McPherson.....	Richmond, C.E.
James Hickey.....	Kingston.
Adolphus Bourne.....	Montreal.
Peter Joseph Gilhansen.....	Ottawa.
John Carnody.....	Ottawa.
Anthony Gafroy.....	Tp. Horton.
David W. Wartman.....	Slby.
George L. Hobson.....	Tp. Beach.
William Brogan.....	Ayr.

APPOINTMENTS TO OFFICE.

NOTARIES PUBLIC.

HUGH McKAY, of Delta, Esquire, to be a Notary Public in Upper Canada. (Gazetted May 6, 1865.)

FREDERICK WILLIAM OLLARD, of Brockville, Esquire, to be a Notary Public in Upper Canada. (Gazetted May, 1865.)

THOMAS M. FAIRBAIRNE, of Peterborough, Esquire, Barrister at Law, to be a Notary Public in Upper Canada (Gazetted May 27, 1865.)

JOHN CRAWFORD, of Vienna, Esquire, to be a Notary Public in Upper Canada. (Gazetted May 27, 1865.)

CORONERS.

ARTHUR MOBBERLY, Esquire, M.D., Associate Coroner, County of Simcoe. (Gazetted May 27, 1865.)

STEPHEN F. SMITH, Esquire, M.D., Associate Coroner, County of Perth. (Gazetted May 27, 1865.)

WILLIAM HAWKINS YARDON, Esquire, M.D., Associate Coroner, County of Waterloo. (Gazetted May 27, 1865.)

TO CORRESPONDENTS.

"SOLICITOR"—"A SCRIBER"—"A MEMBER OF THE PROFESSION"—under "General Correspondence."