

of any subsequent mortgage, and the subsequent mortgage does not in any way give the mortgagees a lien on any land but the land mentioned therein. As far as Lewis is concerned, any question affecting King's does not affect him. The outside he can be called upon to pay is the \$400 and interest. As regards King, it appears that the mortgagees took proceedings to enforce their security under the \$2,600 mortgage on August 24, 1899, as against the land herein and obtained a certificate vesting the title. Under our Land Titles Act the mortgage does not operate as a transfer of title but as a security. The mortgagor remains the owner of the legal estate. The mortgagee merely has a lien until payment or in case of default he can proceed to get an order for to sell the land or have the title thereto vested in himself. Upon getting a final order vesting the title in himself he can obtain from the Registrar of Land Titles a certificate which gives him an absolute title free from all claims by the mortgagor. It was, therefore, by their own deliberate acts that a judgment was obtained, vesting the title in them instead of having the property sold. The result was the same as if the mortgagor had given them a transfer. Had he given them a conveyance they could not have sued him on this covenant in the absence of evidence to shew contrary intent. There is no evidence to shew that the plaintiff intended to reserve the right to sue on the covenant. The conveyance by a mortgagor to the mortgagee of his legal estate is strong evidence that the mortgagee did not intend to reserve the right to sue on the covenant. The plaintiffs are not entitled to succeed. Action dismissed with costs of both defendants to be paid by the plaintiffs.

Norman MacKenzie, for plaintiff. *C. T. Jones*, for defendants.

Flotsam and Jetsam.

A COW IN COURT:—It is not often that a cow appears in a court room. In the wild and woolly west, however, all things are possible. Not long ago there was a replevin suit in Omaha respecting the ownership of a jersey cow. The plaintiff, a woman, desired that the animal might be brought into court to which, after some consideration, the court assented. The cow having made its appearance accordingly, the plaintiff called her by her pet name whereupon co-bossy crossed the court room and rubbed her nose lovingly in the plaintiff's face. This experiment being thrice successfully repeated the court declared the plaintiff to be the owner of the cow. Solomon could not have done better.

A revising barrister, in England, recently received from the widow of a deceased person, whose vote was objected to, a postcard to the following effect: "As my husband died on the 26th Dec. last, he will not trouble you about Parliamentary electoring. I remain, yours respectfully, The Widow."