

and a receiver having been appointed who was in possession of the property, joined with the defendants in an application for an order authorizing the receiver to borrow on the security of the railway and its earnings, in priority to all other charges thereon, a large sum of money required to pay working expenditure. Certain bondholders having a first incumbrance and charge upon 180 miles of the railway and its revenues, who were not parties to the suit, were notified of the application and opposed the making of the order. It was contended on behalf of the applicants that the bondholders' lien did not attach upon revenues required for working expenses.

*Held*, that the question whether it did or not could not be decided in this suit, and that an order authorizing the loan as desired could not be made without showing on its face that it would not insure a security which would take precedence over the claim of the bondholders. *Allan v. Manitoba and North-Western Railway Co.*.....143

### **RAILWAY.**

*Sale of—When mortgaged.*

*See* MORTGAGE, 1.

### **REAL PROPERTY ACT.**

*Caveat—Second caveat.*]—The caveatee having applied for a certificate of title under the Real Property Act, the caveators filed

a caveat forbidding the same. Three weeks afterwards, owing to there being a defect in the first caveat, they filed a second without having an order from a Judge giving them leave to do so. The first caveat had not lapsed or been withdrawn or discharged before the second was filed. The petition of the caveators was based on the second caveat.

*Held*, that there was no authority given by the Act for filing the second caveat without a Judge's order, and that the petition based on such second caveat was invalid, and should be dismissed with costs. *Frost et al., and Driver.*.....209

### **REASONABLE TIME.**

*See* PROMISSORY NOTES, 3.

### **RECEIPT AS EVIDENCE.**

*See* MONEY HAD AND RECEIVED.

### **RECEIPT OF GOODS BY PURCHASER.**

*See* PRINCIPAL AND AGENT.

### **RECEIVER.**

*See* MORTGAGE, 1.

*See* RAILWAY COMPANY, 2.

### **RECITAL.**

*(Effect of, as estoppel.)*

*See* SALE OF LAND.