plaintiffs, as collateral security for part of a mortgage debt due to the plaintiffs by third parties, was barred by the Statute of Limitations (*See* R. S. O. c. 108, s. 23), the condition being that if the mortgagor paid the debt the bond should be void. The mortgagor had paid the interest up to December, 1877, after which it fell in arrear, and in 1880 the mortgagees went into possession. The obligor died in 1883 without having made any payment or given any acknowledgment. The Court of Appeal had no difficulty in deciding that the debt on the bond was not barred, and they placed their judgment both on the ground that although the principal debt was secured upon land, yet the debt on the bond was not so secured, and therefore the Real Property Limitation Act had no application, and in this respect they held that the case differed from the case of a covenant or collateral bond given by the mortgagor himself, as in *Sutton* v. *Sutton*, 22 Chy. D. 511, and *Fearnside* v. *Flint*, *Ib.* 579; and also on the ground that, even supposing that the statute did apply to bonds given by third parties, yet in this case the statute had not run because the mortgage was alive and the mortgagor still liable thereon, and that the part payments by the mortgagor had prevented the statute from running on the bond.

INFANT—BRITISH SUBJECT LIVING ABROAD—APPOINTMENT OF GUARDIAN BY ENGLISH COURT.

In re Willoughby, 30 Chy. D. 324, the Court of Appeal affirmed the order of Kay, J., appointing a guardian to an infant British subject resident abroad, and who had no property within the jurisdiction. The infant's mothe was a Frenchwoman, and entitled by the law of France—where the infant resided—to the status of natural guardian of the infant; but she was not a person who would have been appointed guardian had she and the infant been domiciled in England, and she had brought proceedings in the French Courts for the appointment of guardians, which proceedings had been directed to stand over until it should be ascertained what course the English Courts would adopt. Under these circumstances it was considered proper to make the order, and although it was admitted by Cotton, L.J., that it is only under extraordinary circumstances that the Court would make an order where the infant is not within the jurisdiction, has no property within the jurisdiction, and where the persons who have the custody of the infant are also out of the jurisdiction, yet he had no doubt of the jurisdiction of the Court to appoint a guardian to an infant British subject, under the circumstances existing in this case.

MORTGAGEES IN POSSESSION—ACCOUNT OF RENTS AND PROFITS.

Noyes v. *Pollock*, 30 Chy. D. 336, settles a question of practice in mortgage actions. The action was for redemption, and the usual accounts were directed to be taken against the defendants as mortgagees in possession. One Blood (who had since died) had acted as agent for the defendants in receiving the rents, and in their accounts the defendants merely credited the lump sums received by them from Blood, without showing what Blood himself had received from the tenants. On a motion for a better account Pearson, J., had held the account sufficient, and that the plaintiffs' proper course was to surcharge; but the Court of Appeal held that the defendants were bound to render an account showing what Blood had received, and that the death of Blood did not absolve them from this liability; and, moreover, that it was a question not of technicality but of substance, because the receipts of Blood were in fact as between the plaintiffs and defendants the receipts of the defendants, and without the knowledge derived from such an account the plaintiffs could not properly frame their surcharge.

EQUITABLE DEMAND—SUBJECT-MATTER UNDER £10.

In *Westbury* v. *Meredith*, 30 Chy. D. 387, the Court of Appeal held (affirming Kay, J.,) that when a claim to equitable relief is made, and the subject-matter of the action is below £10 in value, the High Court has no jurisdiction to entertain the claim. This case shows therefore that *Gilbert* v. *Braithwait*, 3 Chy. Ch. R. 413; *Westbrooke* v. *Browett*, 17 Gr. 339; and *Reynolds* v. *Coppin*, 19 Gr. 627, are still good law.