
 ENGLISH CASES.

 EDITORIAL REVIEW OF CURRENT ENGLISH
 DECISIONS.

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**COSTS—PLAINTIFF ORDERED TO GIVE SECURITY FOR COSTS—STAY OF PROCEEDINGS
 —AFFIDAVITS FILED BY DEFENDANT DURING STAY.**

In *Whiteley Exerciser v. Gamage* (1898) 2 Ch. 405, an order was made dismissing the action with costs for non-compliance with an order directing the plaintiff to give security for costs. That order contained the usual stay of proceedings until the security should be given. Immediately before the order for security was made the plaintiffs' motion for an injunction had been ordered to stand for two weeks, the defendant undertaking to deliver to the plaintiff copies of his affidavits within ten days. In pursuance of this undertaking the defendant prepared his affidavits in answer to the injunction motion, and on the subsequent dismissal of the action claimed to tax the costs of them as part of his costs of the action. The taxing officer disallowed them, but on appeal to North, J., he held that they were taxable. He says: "The defendant was not bound, as the taxing master held, to stay his hand because there was a stay against the plaintiffs." Another point in the case was that pending the appeal to North, J., the plaintiff company was dissolved by operation of law, but North, J., notwithstanding its dissolution, held that he had jurisdiction to hear the appeal and that the appellant was in the same position as he would have been had it been heard and disposed of when first set down.

REGISTRY LAW—PROPERTY PASSING UNDER STATUTE—BANKRUPTCY—PRIORITY.

In *re Calcott & Elvins* (1898) 2 Ch. 460, although a case turning on the English Bankruptcy Act, may nevertheless be usefully referred to as affording light on the construction to be placed on the Ontario Registry Act (R.S.O., c. 136). The land in question had been the property of a person who had been adjudicated a bankrupt; he had concealed from the trustee his ownership of the property, and had, subsequent to his bankruptcy, twice mortgaged the land. These mortgages were duly registered. The order of adjudication was never registered. One of the mortgagees offered the property for sale under the power of sale contained in