

FERGUSON, J.]

GILLARD v. HOLLERT.

[Sept. 23.]

*Bills of sale and chattel mortgages—Actual and continuing change of possession—Possession of mortgagee after default—55 Vict., c. 26, ss. 1, 3, and 5—R.S.O., c. 125.*

*Held*, that the "actual and continual change of possession" mentioned in s. 3 of 55 Vict., c. 26, an Act respecting sales and mortgages of personal property, has reference only to the "actual and continued change of possession" mentioned in ss. 1 and 5 of R.S.O., c. 125, an Act respecting mortgages and sales of personal property, and does not refer to possession taken by a mortgagee under his mortgage after default.

The words "persons who become creditors," in s. 4 of the said 55 Vict., c. 26, means persons who become execution creditors as provided for in the second section of that Act.

*W. F. Walker*, Q.C., for the plaintiff.

*D. Guthrie*, Q.C., and *E. F. B. Johnston*, Q.C., for the defendant.

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*Practice.*

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BOYD, C.]

VANZANT v. VILLAGE OF MARKHAM.

[Oct. 17.]

*Costs—Taxation—Apportionment.*

Where an action was, roughly speaking, divisible into two parts, one claiming compensation for land, and the other seeking to restrain the defendants from proceeding to estimate it in an improper way, and the judgment gave the plaintiff the costs of the first branch and no costs of the second to either party,

*Held*, that the taxing officer did not err in principle in allowing the plaintiff one-half of the general costs, and also items which exclusively related to the first branch.

*Masten* for the plaintiff.

*G. A. Kingston* for the defendants.

BOYD, C.]

SCOTT v. NIAGARA NAVIGATION CO.

[Oct. 17.]

*Infants—Next friend—Foreigner—Security for costs.*

Infants having a *bona fide* cause of action are privileged suitors; and the same rule as to security for costs should not be applied as in the case of adults.

If the next friend of infant plaintiffs, being the natural guardian, is within the jurisdiction when the action is begun, and so continues *pendente lite*, the court will not too anxiously scrutinize the tenure of his residence.

And where the infant plaintiffs and their natural guardian and next friend were foreigners, and came within the jurisdiction merely for the purpose of