

DIARY FOR MAY.

1. Thu... St. Philip and St. James.
2. Fri... J. A. Boyd 4th Chr., 1881.
3. Sat... Mr. Justice Henry died, 1888. Last day for filing papers and fees for final exam.
4. Sun... Fourth Sunday after Easter
5. Tues... Supreme Court of Canada sits. Lord Brougham died 1868, et. 90.
10. Sat... Indian Mutiny 1857.
11. Sun... Rogation Sunday.
13. Tues... Court of Appeal Sits. General Sessions and County Court Sittings for trial in York begin. Solicitors' Examination.
15. Thu... Barristers' Examination.
18. Sun... Sunday after Ascension.
19. Mon... Easter Term commences. High Court Justice Q.B. and C.P.D. Sittings.
21. Wed... Confederation proclaimed 1867. Lord Lyndhurst born, 1772.
24. Sat... Queen Victoria born 1819.
25. Sun... Whitsunday. Princess Helena born 1846.
27. Tues... Habeas Corpus Act passed 1679.
28. Wed... Battle of Fort George 1813.
29. Thu... Restoration of Charles II., 1660.

Early Notes of Canadian Cases.

SUPREME COURT OF JUDICATURE
FOR ONTARIO.

HIGH COURT OF JUSTICE.

Chancery Division.

STREET, J.]

[March 20.]

DUGGAN v. LONDON AND CANADIAN LOAN
AND AGENCY CO. *et al.*Assignment of shares of stock—"In trust"—
Pledge by assignee—Redemption by owner.

Plaintiff assigned certain shares of stock to his brokers as security for advances, the assignment being made "in trust." The defendant company subsequently became the holders of the shares as security for advances (greatly exceeding in amount what was due by plaintiff to the brokers) made to the brokers, by assignment from a holder who also held "in trust." The company made no enquiry as to what, if any, trust existed, and plaintiff had no notice that his stock was being so dealt with.

Held, that the plaintiff was entitled to recover his stock upon payment of the amount due by him to the brokers.

McCarthy, Q.C., and Moss, Q.C., for the plaintiff.

Arnoldi, Q.C., for the company.

Cassels, Q.C., for the defendant Turnbull.

Ritchie, Q.C., for the defendant Scarth.

ROBERTSON, J.]

[April 21]

IN RE FRANCES J. MOORE TRUST.

Moneys invested in Brazil — Application for leave to apply to foreign court—Proceedings before same—Form of order.

A petition presented on behalf of F. J. M., entitled to a sum of money, part of her father's estate, represented by Brazilian bonds—father having died in Brazil. The petitioner married when an infant in Prince Edward Island, but executed (by power of attorney) an ante-nuptial settlement in Rio de Janeiro, approved by the Juiz de Orphaos (Court of Orphans) of that city; the fund was thereupon retained by the foreign court until F.J.M. attained her majority. On application there for payment, the foreign court refused to pay the money to the petitioner in consequence of the marriage settlement, which limited the fund to issue of the marriage, subject to mother's right to enjoy the income; but would pay money into an English court having jurisdiction over the parties, and upon such court granting leave to petitioner to apply to have the fund converted and remitted to the English court.

W. F. Burton moved upon petition for such an order as was required by the foreign court, and for leave to apply to the Juiz de Orphaos in Rio de Janeiro to convert the securities and remit money to this Province.

Hoskin, Q.C., for the infants, approved, but order should be permissive and terms to be approved by the foreign court; order made to be translated into Portuguese language; money, if paid into court, to remain there subject to further directions.

FERGUSON, J.]

[April 30.]

Re WARDELL AND WILSON.

Vendor and purchaser—Power of sale in a mortgage—No notice required.

In an application under the Vendor and Purchaser Act, in which the vendor was making title under a power of sale worded as follows: "Provided that the said mortgagees on default of payment for one month may, without giving notice, enter on and lease or sell the said lands," it appeared default was made January 17th, and the mortgagor gave up possession to the mortgagee; notice was given January 18th, and an abortive sale had March 1st, the reserve