

DIARY FOR APRIL.

1. Monday County Court and Surrogate Sittings.
4. Thursday New Legislative Buildings at Toronto opened, 1893.
5. Friday Canada discovered, 1499.
7. Sunday *6th Sunday in Lent.* Great fire in Toronto, 1847.
8. Monday County Court non-jury Sittings in York. Hudson Bay Company founded, 1692.
12. Friday Good Friday.
14. Sunday *Easter Sunday.*
15. Monday Easter Monday. President Lincoln assassinated, 1865.
17. Wednesday Hon. Alexander Mackenzie died, 1892.
18. Thursday First newspaper in America, 1704.
19. Friday Lord Beaconsfield died, 1881.
21. Sunday *1st Sunday after Easter.*
22. Monday Call, last day for notice for Easter Term.
23. Tuesday St. George.
24. Wednesday Earl Cathcart, Gov. Gen., 1846.
25. Thursday St. Mark.
26. Friday Battle of Fish Creek, 1885.
27. Saturday Toronto captured (Battle of York), 1813.
28. Sunday *2nd Sunday after Easter.*

Reports.

EXCHEQUER COURT OF CANADA.

TORONTO ADMIRALTY DISTRICT.

IN RE SYLVESTER AND THE "GORDON GANTHIER."

Maritime Court Act, s. 14, s-s. 5—Mortgagee in possession—Subsequent purchaser.

A mortgagee who takes possession of a ship under his mortgage takes subject to any maritime liens which have arisen since the date of the mortgage and whilst the mortgagor was allowed to control the ship, and, in an action for such a claim, the plaintiff's claim is preferred to the mortgage.

TORONTO, Feb. 16—McDOUGALL, L.J.Ad.

This was an action for seaman's wages. It is unnecessary to detail the facts of the case. The legal question discussed was whether a mortgagee who has taken possession under his mortgage can be considered as a subsequent purchaser within the meaning of s. 14, s-s. 5, of The Maritime Court Act.

McDOUGALL, L.J. in Adm.: When a ship is mortgaged and the mortgage registered according to the requirements of The Merchants' Shipping Act, by virtue of the mortgage the property in the ship passes, *prima facie*, to the mortgagee, and he is thereby the owner of the ship, unless his rights as to ownership are restrained by any other part of The Merchants' Shipping Act. Section 70 of The Merchants' Shipping Act enacts: "A mortgagee shall not, by reason of his mortgage, be deemed to be the owner of a ship, or any shares therein, nor shall the mortgagor be deemed to have ceased to be the owner of such mortgaged ship, except in so far as may be necessary for making such ship or share available as a security for the mortgage debt."