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**Province of British Columbia.**


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**SUPREME COURT.**


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Hunter, C.J.]

[June 10.]

O'KELL MORRIS &amp; CO. v. DICKSON ET AL.

*Assignment of debt—Notice—Cause of action.*

Action for a debt which had been assigned by way of mortgage to the Bank of Montreal by the plaintiff company now insolvent. No notice of assignment had been given by the bank to the defendant.

*Held*, that where a debt has been assigned by way of mortgage, but no notice in writing of the assignment has been given to the debtor, the cause of action still remains in assignor.

*Harold Robertson*, for plaintiff. *Thornton Fell*, for defendant.

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Full Court.]

[June 11.]

MERCHANTS' BANK OF HALIFAX v. HOUSTON.

*Costs—When allowed by Supreme Court of Canada—No power to stay taxation.*

At the trial before MARTIN, J., the plaintiffs' action was dismissed, but the Full Court allowed an appeal by plaintiff. On appeal the Supreme Court of Canada allowed the appeal of the defendant Ward, and ordered plaintiff to pay him the costs of that appeal and also all costs in the court below, except in so far as Ward was to be regarded as the representative of the mortgagor in an action to realize a mortgage security, which costs were reserved till final decree. By the same judgment the action was dismissed as against Ward, except in so far as it was considered to be in the nature of a mortgage action for the purpose of enforcing a security.

*Held*, reversing IRVING, J., who made an order staying the taxation of Ward's costs of appeal to the Full Court until final decree, that there was no jurisdiction to make the order staying taxation. The application should have been made to a judge of the Supreme Court of Canada instead.

*Duff*, K.C., for the appeal. *Sir C. H. Tupper*, K.C., contra.

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Full Court.]

McCUNE v. BOTSFORD.

[June 14.]

*Practice—"No order as to costs"—Meaning of.*

Appeal from an order of IRVING, J., dismissing an appeal by the defendant Botsford for a review of the taxation of the costs of the actions. This was an adverse action under the Mineral Act, and from an