

contract void: *Pigot's Case* (1615), 11 Rep. 26 b.; *Master v. Miller* (1791), 4 T.R. 320; *Suffell v. Bank of England* (1882), 9 Q.B.D. 555. But what was assigned was a mortgage duly filed on the 30th September, 1912, as No. 15919; and the erroneous reference to the date of maturity and the rate of interest did not invalidate the mortgage; so that the allegation that the mortgage was void was not sustained.

Upon the next question, the finding should be that the plaintiff, without consent, sold and allowed to be removed from the premises some of the mortgaged goods, thereby breaking a covenant in the mortgage; that the defendant honestly felt unsafe and insecure; and was justified (the mortgage-money being unpaid) in making the seizure complained of on the 26th September, 1916, which was after the expiry of the four years, but while the additional year which the plaintiff was to have, if he so elected, was current.

There should be an order that the amount of the mortgage (\$2,200) and interest from the 26th September, 1916, less any sum already paid into Court by the plaintiff, shall now be paid into Court by him, the whole then to remain subject to the further order of the Court, having regard to the interest of the defendant by virtue of his assignment, and the interests of Saylor and of others who may be found entitled.

The defendant to be paid his costs of the action by the plaintiff.

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SUTHERLAND, J., IN CHAMBERS.

FEBRUARY 10TH, 1917.

\**REX v. CHAPPUS.*

*Criminal Law—Magistrate's Conviction—Motion to Quash—Appeal to Division Court Quashed because Security not Given—Ontario Summary Convictions Act, R.S.O. 1914 ch. 90, sec. 10 (1), (3)—Criminal Code, sec. 1122—Remedy by Appeal—Forum—Objection to Motion.*

Motion by Alveric Chappus, A. F. Healey, and Henry Ledyard, who were convicted by a magistrate, in one conviction, upon three separate informations, to quash the conviction, which was for trespass upon the lands of the Bar Point Land Company Limited, in contravention of the Petty Trespass Act, R.S.O. 1914 ch. 111.