

interested are not before the court, a sale cannot be decreed.—*Bethune v. Caulcutt*, 81.

46. A bill of foreclosure having been taken *pro confesso* against some of the defendants under the general orders of the court, is not a reason for decreeing a sale as against those defendants.—*Ib.*

47. A mortgagee is entitled to a decree for a sale or foreclosure, at his option, as against the mortgagor.—*Meyers v. Harrison*, 449.

IMPERTINENCE.

48. Where an answer is referred for impertinence, and the master's report thereon is procured within the time limited for excepting for insufficiency, the plaintiff has still the full time to except for insufficiency.—*Good v. Elliott*, 389.

INFANT.

49. Proceedings under the provisions of the provincial statute 12 Vic., ch. 72, respecting the disposition of the estate of infants.—*Re McDonald*, 90.

50. Where a mortgagee dies intestate, leaving an infant heir, after a decree for foreclosure, but before the final order and his executor revives the suit and obtains such order, and the mortgage debt equals or exceeds the value of the mortgaged premises—the infant heir is a person seised upon trust, within the meaning of the English statute 11 Geo. IV., and 1 Wm. IV., ch. 10, sec. 6, and may be ordered on petition, without suit, to convey the estate to the executor, or to a purchaser from the executor.—*Re Hodges*, 285.

51. In such a case, however, the court will not make the order, unless it appears that the application of the estate in question is necessary for the satisfaction of the debts of the intestate; and a

reference as to this will be directed.—*Ib.*

52. Form of a decree upon a bill by a mortgagee against the infant heir of the mortgagor.—*Saunders v. Caston*, 349.

INJUNCTION.

53. There are many cases in which a court of equity will interfere by injunction to maintain things in *statu quo*, *pendente lite*, not only where the title of the plaintiff to relief is unquestioned, but even where that title is doubtful; provided the court sees that there is a substantial question to be settled.—*Attorney-General v. McLaughlin*, 34.

54. But the court does not interfere by special injunction against a party in possession claiming adversely to the plaintiff; nor on the other hand will the court, as a general rule, so interfere in favour of a party in possession to restrain a casual trespass.—*Ib.*

55. On an application on behalf of the Crown for a special injunction, it appeared that the acts and threats complained of occurred eight and eleven months before the filing of the bill, and the motion for the injunction was made twelve months after the answer came in: *Held*, that the application was too late.—*Ib.*

56. A defendant may move to dissolve an injunction without moving at the same time to discharge a receiver, previously appointed, of the funds to which the injunction related.—*Sanders v. Christie*, 137.

57. When a special injunction is granted staying proceedings at law, the amount claimed in the action at law must be paid into court.—*Harrison v. Baby*, 247.

58. Where a managing partner was charged, on affidavit of his

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