

POSSESSION—

- Effect of in determining whether mortgage, 7, 8
- Grant or continuing possession indicates mortgage, 7, 8
- Is requisite or a pledge, 13
- Constructive sometimes sufficient, 12
- Not essential to a mortgage, 13
- Does not in itself convey an interest which can be mortgaged, 18
- When *bonâ fide* purchaser from person in possession may hold against owner, 18
- Usually the test of ownership, 68
- Absence of, change of indicates fraud, 67
- Under Act mortgagor retaining, not presumed fraudulent, 67
- Under invalid mortgage, making good defective mortgage, good as between the parties, 83, 84
- Effect of taking possession in Ontario, 83, 513, 525
- Taken by mortgagee against consent of mortgagor, 83
- Cures all defects in mortgage, 83
- Must be actual and physical, 85
- If mortgage does not give, to mortgagor, mortgagee may take at any time, 85
- Mortgagee entitled to, when security impaired, 86, 87
- Right, incident to right of property, 89
- Mortgagor's right to, when implied, 89
- Advertising, a circumstance in determining sufficiency of, 85
- May be taken from pledgee under certain circumstances, 87
- Where two mortgages defective, first in possession preferred, 88
- Mortgagee may be restrained from taking, before time limited, 65, 91
- Mortgagee taking must not deal with goods so as to render redemption impossible, 90
- Mortgagee may take possession in case of distress or levy, 92
- Until taken by mortgagee after default, mortgagor may sell his interest, 96
- Right to, essential to mortgagee's right of action against person taking property from mortgagor, 98
- Mortgagee having possession and also right to, action does not lie for recovery by mortgagor, 98
- Mortgagee taking possession before default, must care for property in prudent manner, 98, 99