

A conveyance of the equity of redemption to one of several joint mortgagees, he covenanting to pay off the mortgage, does not extinguish the mortgagor's liability on his covenant for payment of the mortgage debt.

Judgment of the Queen's Bench Division affirmed.

*J. M. Clark*, and *R. U. McPherson*, for the appellant.

*E. P. McNeill*, for the respondents.

From STREET, J.]

[March 10.]

WATERFORD SCHOOL TRUSTEES *v.* CLARKSON.

*Bond—Public schools—Secretary-treasurer.*

The secretary-treasurer of a public school board holds office for a year only, and not during pleasure, and the sureties to a bond given as security for the performance of his duties, though on its face unlimited as to time, are not liable for defaults occurring after the year, notwithstanding his re-appointment to office.

Judgment of STREET, J., affirmed.

*Wilkes*, Q.C., for the appellants.

*Cassels*, Q.C., for the respondent.

From ROSE, J.]

[March 10.]

ONTARIO FORGE AND BOLT CO. *v.* COMET CYCLE CO.

*Costs—Company—Liquidator—Claim and counter-claim.*

Where an action is brought by the liquidator of a company in liquidation, in the name of the company, and he is not otherwise a party to it, he cannot be ordered personally to pay the costs of it.

Where the plaintiff succeeds upon his claim, and the defendant upon his counter-claim, the former should receive the costs of the action, and the latter those of the counter-claim.

Judgment of ROSE, J., varied.

*Robinson*, Q.C., and *John Greer*, for the appellants.

*E. B. Ryckman* and *A. T. Kirkpatrick*, for the respondent.

From DIVISIONAL COURT.]

[April 7.]

REGINA *v.* GRANT.

*Jury notice—Crown—Rule 364—Trial judge.*

The Crown coming into the High Court of Justice is in the same position as the subject; and a Judge, on the application of the Crown, can make an order striking out a jury notice given by the defendants.

Rule 364 applied.

*Per OSLER*, J.A.—If before the trial the Court or Judge has ordered that the action may be tried without a jury, the Judge presiding at the trial has no power to say that it shall be tried by a jury.

*F. E. Hodgins*, for the Crown.

*A. E. H. Creswicke*, for the defendants.