

DIARY FOR FEBRUARY.

1. Wednesday... Sir Edward Coke born, 1552.
5. Sunday..... *Servage. 1st Sunday.*
6. Monday..... Hilary Term begins. W. H. Draper, 2nd C.J. of C.P., 1856. Q.B. and C.P. Divs. H.C.J. sit. County Ct. Non-Jury sittings in York begin.
7. Tuesday..... Convocation meets.
9. Thursday.... Union of Upper and Lower Canada, 1841.
10. Friday Convocation meets. Canada ceded to Gt. Brit., 1763.
11. Saturday.... J. Robertson appointed to Chancery Div., 1887.
12. Sunday..... *Quinquagesima, Shrove Sunday.*
14. Tuesday..... Toronto University burned, 1890.
16. Thursday.... Chancery Div. H.C.J. sits.
17. Friday..... Convocation meets.
18. Saturday.... Hilary term and H.C.J. sittings end.
19. Sunday..... *Quadragesima. 1st Sunday in Lent.*
21. Tuesday..... Supreme Court of Canada sits.
26. Sunday..... *2nd Sunday in Lent.*
27. Monday..... Sir John Colborne, Administrator, 1838.

Reports.

ONTARIO.

COURT OF APPEAL.

BLACKLEY vs. KENNEY (No. 2).

*Mortgagor and Mortgagee—Surety—Extending time—Discharge—
Notice of suretyship.*

The facts of this case are fully stated in the report of the case below, and in the reports of previous appeals to this court in 16 A.R. 276 and 16 A.R. 322. The court allowed the appeal with costs upon the ground (not taken in the court below) that as there was no evidence whatever of the plaintiff's knowledge of the covenant under which the alleged suretyship arose, and as he had no reason to think that the relation of principal and surety existed, his dealings with the debtor did not work a release, assuming that that relationship did exist.

This was an appeal by the plaintiff from the judgment of ROBERTSON, J., reported in 19 O.R. 169, and came on to be heard before this court (HAGARTY, C.J.O., BURTON, OSLER, and MACLENNAN, JJ.A.) on May 29th, 1890. The judgments have not been printed in the report of the case (see 18 A.R. 135), but it is thought desirable, for reasons stated in another place (*ante* p. 93), to publish the judgments of OSLER and MACLENNAN, JJ.A.

The case was argued in the Court of Appeal by
Aylesworth, Q.C., and *W. Macdonald* for the appellant.
A. C. Galt for the respondent.

OSLER, J.A.: Appeal by the plaintiffs from the judgment of ROBERTSON, J., allowing the defendants' appeal from the report of a referee. The action was a mortgage action claiming delivery of possession, and, in default of redemption, a sale of the mortgaged premises, with the usual accounts, etc., etc. The mortgage was made by defendant J. M. Kenney to the plaintiff as