As to costs, this matter was proper to be brought before the Court, but the bringing of an action by writ instead of applying to the Court under the Rules is not to be encouraged.

I pointed out in Willison v. Gourlay, 10 O. W. R. 853, the practice which should be followed. For reasons there given, costs will be given to all parties out of the estate, but limited to costs as of an application under the Rules. No doubt in this particular instance the extra costs (if any) are a mere trifle as compared with the amount involved, but there is another consideration which solicitors should bear in mind. The people at large have to pay for the support of our courts of justice, and, while it is right and just that every litigant should have all the time necessary fully to develope and try his case, no one has a right to take up the time of a Court sitting for the trial of actions with questions such as these, when there is already a tribunal sitting charged with the duty of disposing of just such questions.

The time of the Court is taken up at the expense of the people. Moreover, other litigants who have come into the proper forum are delayed and put to inconvenience and expense improperly.

OSLER, J.A. DECEMBER 12TH, 1907.

C.A.—CHAMBERS.

McCANN MILLING CO. v. MARTIN.

Appeal to Court of Appeal—Leave to Appeal from Order of Divisional Court — Amount Involved—Review of Judgments below—Chattel Mortgage — Renewal—Validity—Time—Computation of Year.

Motion by plaintiffs for leave to appeal to the Court of Appeal from order of a Divisional Court, ante 681, affirming judgment of MACMAHON, J., at the trial, ante 264.

W. R. Smyth, for plaintiffs.

A. Abbott, Trenton, for defendants.