

Held, that the mortgage, although fraudulently made in the first instance, was validated by the assignment to W. for valuable consideration.

Held, 1. The giving of time by W. to C. in connection with the antecedent indebtedness was sufficient consideration to support the assignment. But nevertheless that the validating of the mortgage would not affect the right to priority of the party claiming under a second mortgage made by C. previously to the assignment to W.

2. Following *McNeil v. McPhee*, 31 N.S.R. 140, that a deed made by C., the sole consideration for which was the future support of the maker and his wife by the grantee, was not founded upon valid consideration within the Statute of Elizabeth.

McLean, K.C., for (defendants) appellants. *Wade*, K.C., and *Paton*, for (plaintiffs) respondents.

Province of New Brunswick.

SAINT JOHN PROBATE COURT.

Trueman, J.]

RE JAMES ROBERTSON.

[May 3.

Letters of administration—Quebec will—Notarial form.

Where a will is in natural form and in the custody of a notary in the Province of Quebec, letters of administration with a certified copy of the will annexed will be granted on proof by affidavit of the death and domicile of the testator, of the law of Quebec, and of the original will being executed in accordance therewith, that the original will is in the custody of a notary in that province, and that the executors named in the will are acting thereunder.

W. H. Trueman, for the application.

Province of Manitoba.

KING'S BENCH.

Bain, J.]

LING v. SMITH.

[April 23.

Real Property Act—Petition of caveator—Security for costs—Practice—Irregularity—King's Bench Act; Rule 335.

The caveatee, having applied for a certificate of title under "The Real Property Act" for the land in question, upon which the cavetor held a registered mortgage to secure \$193 and interest, procured the service upon the caveator of a notice under the Act from the District Registrar