

bond, or other specialty, except upon the covenants contained in a mortgage," and the said sub-section 1 was further amended by adding the following clause: "*(h)* Actions upon any covenant contained in any indenture of mortgage, made after the first day of July, 1894, within ten years after the cause of such actions arose."

By sec. 8 of ch. 60 of the Revised Statutes of Ontario, 1887, it is provided that "In case an acknowledgment in writing, signed by the principal party or his agent, is made by a person liable upon an indenture, specialty or recognizance, or in case an acknowledgment is made by such person by part payment, or part satisfaction, on account of any principal or interest due on such indenture, specialty or recognizance, the person entitled may bring an action for the money remaining unpaid and so acknowledged to be due, within twenty years after such acknowledgment by writing, or part payment, or part satisfaction, as aforesaid; . . ."

This sec. 8 was in force at the time of the passing of the amendment, and is still in force, not having been amended at the same time as or since the above amendment to section 1. It will be noticed that section 8 says: "In case an acknowledgment in writing signed by the principal party or his agent, is made by a person liable upon an indenture, specialty or recognizance," which clearly covers the case of a mortgage, and which at the time of its passing it was intended to do.

Sec. 8 provides that the acknowledgment required may be either first, an acknowledgment in writing, signed by the principal party or his agent, or second, an acknowledgment made by such person by part payment or part satisfaction, on account of any principal or interest due on such indenture, specialty or recognizance.

The effect of either of such acknowledgements being made is, to give the words of the section itself, that "the person entitled may bring an action for the money remaining unpaid and so acknowledged to be due, within twenty years after such acknowledgment, by writing, or part payment, or part satisfaction, as aforesaid."

Acknowledgment under sec. 8 would only appear to apply