

I am of opinion that this contention is not well-founded, and that sec. 49 has no application to anything but an action or a proceeding in the nature of an action.

The provisions of what is now sec. 49 were first enacted by sec. 3 of 7 Wm. IV. ch. 3, and were the same as those of sec. 3 of the Imperial Act 3 & 4 Wm. IV. ch. 42, which provided, among other things, that actions of covenant or debt upon a bond or other specialty should be commenced and sued within 20 years after the cause of such action arose.

No change, other than verbal, was made in this enactment in the consolidation of the statutes of Upper Canada in 1859 or in the revision of the statutes in 1877, 1887, and 1897, except that the words "covenant or debt" were eliminated in the revision of 1887—no doubt because forms of action had been abolished by the Judicature Act. In 1910, with a view to the revision of 1914, the various limitation Acts were consolidated by 10 Edw. introduced, which, so far as is material to the present inquiry, reads as follows: "'Action' shall include an information on behalf of the Crown, and any civil proceeding;" and a group of sections, beginning with sec. 49, form Part III., which is headed "Personal Actions."

Does then this interpretation section extend the meaning of the word "action," as used in sec. 49, so as to include "any civil proceeding?" In my opinion, it does not.

It is quite clear that, at all events until the introduction of the interpretation section, the limitation of 20 years in the revision of 1887 was applicable only to actions, and it was so treated by the Chancellor in *Chard v. Rae* (1889), 18 O.R. 371.

The section is not applicable where it would give to the word "action" an "interpretation . . . inconsistent with the context" (the Interpretation Act, 7 Edw. VII. ch. 2, sec. 6, subsec. (2), added by 8 Edw. VII. ch. 33, sec. 1), and that would be the effect of applying it to sec. 49.

It is plain, I think, that the word "action" is used in sec. 49 in its ordinary sense. As I have said, Part III., of which sec. 49 is the first section, is headed "Personal Actions"—a well-understood term, which clearly does not include such a proceeding as the issue or the renewal of a writ of execution. The word "commenced" is the appropriate word to apply to the bringing of an action, and is inappropriate to the taking of such a proceeding as the issue or the renewal of a writ of execution; and the period from which the 20 years are to be reckoned is that at which the cause of action arose, meaning plainly, I think, the