

Held, that the Registry Act did not authorize the registration of such an instrument; and, CAMERON, J., dissenting, that an action would lie for its removal.

Per CAMERON, J.—The instrument, being on its face one which did not affect the title, was not removable by the Court, and the action should be dismissed.

Per HAGARTY, C. J., and ARMOUR, J.—The act of registration was a wrongful one, and all parties concerned in it were responsible to the plaintiffs, and the registrar was, therefore, a proper party; but, *per* HAGARTY, C. J., he was not a necessary party.

Per HAGARTY, C. J.—There being no *mala fides*, the damages should be nominal.

Per CAMERON, J.—The registrar was not a proper party, having acted in good faith, and in the belief that he was acting within the scope of his duty; nor was C., the solicitor, a proper party, he having acted to the best of his judgment and ability in advising his client, after consulting counsel. *Ontario Industrial Loan and Investment Co. v. Lindsey et al.* 66.

3. *Statute of Limitations—Acknowledgment of title—Retrospectivity of Registry Acts—Mortgages—Right to consolidate—R. S. O. ch. 180, sec. 19.—R. S. O. ch. 111, sec. 81.*—

Where a mortgagee in possession wrote, in 1871, to the holder of the equity of redemption as follows: "The amount due me in November, 1853, on your mortgages was as follows," (stating the amounts.) "No part of that sum has since been paid to me, but the rents I have received have nearly kept down the interest;"

Held, a sufficient acknowledgement of title to give a new starting point

to the Statute of Limitations from the date of the letter.

Where two mortgages on different properties by the same mortgagor came into C.'s hand before the Registry Act of 1865, and the mortgagor, after the passing of the said Act, assigned the equity of redemption to, M by a registered instrument: *Held* on M.'s suing for redemption, that the registered conveyance to M. prevailed under sec. 66 of the said Act, over C.'s equitable right to consolidate the two mortgages.

The Registry Act of 1865, sec. 66, and the Registry Act of 1868, sec. 68, are retrospective. *Miller v. Brown*, 210.

RENT.

Tenement—Statute of Frauds—25 Geo. II. ch. 6, sec. 1.—Rent issuing out of land in a tenement; it partakes of the nature of land, and is within the 5th section of the Statute of Frauds, and hence is also within 25 Geo. II. ch. 6, sec. 1. *Hopkins v. Hopkins*, 223.

REPRESENTATION.

See EVIDENCE, 1.

RES JUDICATA.

See BANKS.

SALE OF GOODS.

1. *By bank.*—*See* BANKS.

2. *By Pressure—Not "voluntary."*—*See* BANKRUPTCY AND INSOLVENCY, 1.