pate their action when the point comes to be raised before them."

This apparently was not the line of reasoning followed by one of our County Court judges, in a case reported some years ago in our columns, where all the cases on the subject, English and Canadian, appear to be collected (*Somers* v. *Kenny*, 20 C. L. J. 7). In the judgment there reported, we find it said: "I am under the impression (whether rightly or wrongly I cannot say positively, as I have no means of informing myself on the point) that if *Allan* v. *McTavish*, or *Boice* v. *O'Loane*, were now to be brought before the Supreme Court here, that court would feel itself bound to override them, and follow *Sutton* v. *Sutton*. I think also that if the judgment I now give be appealed from, that the Court of Appeal would follow *Sutton* v. *Sutton*, and not deem itself bound by its previous judgments."

Strangely enough this case was cited by counsel on one side, in the late case of *Ross* v. *G. T. R.*, 10 O. R. 447, while *Sutton* v. *Sutton* was quoted by counsel on the opposite side.

That case (*Ross* v. *G. T. R.*) is one which might well be referred to here. It was an action for compensation for land taken by a railway, brought after the lapse of more than ten, but less than twenty years from the taking.

Mr. Justice Armour, in his judgment says: "It was argued that the plaintiff's claim to compensation was within R. S. O. ch. 108, sec. 23, and was money secured by lien or otherwise charged upon or payable out of land, and was therefore barred . . ." and it would appear that the learned judge might have thought himself bound to admit the force of this argument, as, to evade the effect of it, he presently goes on to say: "The plaintiff's right to compensation being a statutory right, an action to enforce it would, in my opinion, not be barred except by the lapse of twenty years after the cause of action arose, and this period had not elapsed when this action was brought."

It must then, for the present, at all events, be deemed settled that *Allan* v. *McTavish* and *Boice* v. *O'Loane* lay down the law as applicable to this Province, and that twenty years, and not *ten*, is the limit to actions of every sort on mortgages and judgments.

It will be observed that neither Mr. Justice Proudfoot nor Mr. Justice Rose pretend to consider the principle involved in these various cases. But it will be instructive for any one who desires to do so to read the judgments of Jessell, late M. R., in *Sutton* v. *Sutton*, and the late Chief Justice Moss, in *Boice* v. *O'Loane*, both of them judges of the highest distinction, who, in closely reasoned judgments, arrive at conclusions the very opposite of one another. It is remarkable, however, that in the latter case, Moss, C.J., approved of the reasoning of Mr. Justice Gwynne in the court below (and whose judgment the court above reversed), but said it was not consistent with *Hunter* v. *Nockolds*: 1 Mac. & G. 640.

We may add that *Allan* v. *McTavish* reversed the decision of Mr. Justice Morrison in the court below; and that in another case of *Caspar* v. *Keachie*, 41 U. C. R. 601, Mr. Justice Wilson (now Chief Justice) took the same view as Mr. Justice Gwynne and Mr. Justice Morrison.

This last case was never carried to appeal, though decided only a few months after *Allan* v. *McTavish* (in the court below), and about an equal time before *Boice* v. *O'Loane* (in the court below).

We have thus the judgments of Mr. Justice Gwynne, (the present) Chief Justice Wilson, and Mr. Justice Morrison all affirmed by the Court of Appeal in England; while, as has been said, the reasoning of Mr. Justice Gwynne was approved of by the Court of Appeal, though that