

Divisional Court.]

IN RE WOODALL.

[August 6.

Limitation Act—Execution—Renewal.

An execution against an existing interest in lands ceases to be a lien thereon in ten years from the time of its delivery to the sheriff even though it has been duly renewed from time to time and kept in force continuously, and sale proceedings cannot be taken under it after that time.

Judgment of STREET, J., affirmed.

G. C. Campbell, for appellant. Vickers, for respondent. H. C. Fowler, for administrator.

Divisional Court.] MORTON v. GRAND TRUNK R. W. Co. [August 6.

Executors and administrators—Negligence—Fatal Accidents Act—Conflicting claims.

A woman claiming to be the widow of a man killed owing as alleged to the negligence of the defendants brought an action against them with her two children as co-plaintiffs to recover damages. Subsequently another action was brought by another woman also claiming to be the deceased's widow to recover damages for the benefit of herself and her child, her marriage having taken place after an alleged divorce of the first plaintiff:—

Held, that only one action would lie under the Act; that that action would be for the benefit of the persons in fact entitled; and that, there being no doubt as to the right of the children in the first action, the first action should be allowed to proceed and the rights of all parties worked out in it, the plaintiff in the second action to be represented by counsel at the trial if desired. Judgment of FALCONBRIDGE, C.J. K. B., reversed.

D. L. McCarthy, for defendants. Falconbridge, for plaintiffs in first action. D'Arcy Tate, for plaintiffs in second action.

Province of Nova Scotia.

SUPREME COURT.

Weatherbe, Ritchie, Townshend, JJ.]

[Nov. 23, 1903.

THE KING v. OLAND (No. 1).

Liquor license—Exposing license in warehouse—Brewer's license not included in N. S. law, s. 55—Stated case by magistrate—Summary Convictions Act, R.S.N.S. 1900, c. 161, s. 73—Liquor License Act, R.S. N.S. 1900, c. 100, ss. 115, 127, 149, 182.

1. A wholesale brewer's license under the N.S. Liquor License Act need not be kept exposed in the warehouse, and is not subject to the requirements of s. 55 of the Act.