

through him, been in possession as mortgagee, and the Limitations Act does not apply.

Nothing has been shewn which would justify the Court in refusing to aid the plaintiff.

If the statute can be held to apply, then, upon the authority of *Hall v. Caldwell* and *Faulds v. Harper* in the Supreme Court of Canada, and the relative positions of secs. 19 and 43 as a guide, it must be considered that sec. 43 includes an action to redeem, and limits and controls the operation of sec. 19.

If it should be held that the statute does apply, and sec. 43 does not include an action to redeem, and so the plaintiff cannot recover in an action to redeem, the action should be treated as one for the recovery of land, and the plaintiff afforded relief upon equitable terms.

As to the Kingston property, sec. 19 of the statute applies, but ten years have not run since the plaintiff's right of action first accrued. He is entitled to an account and to redeem both mortgages as against the defendant Darling.

The plaintiff to have his costs of the action against all the defendants; but the defendants the Toners to have the right to recover from the defendant Darling any sum they are compelled to pay the plaintiff for costs; no order as to their costs of defence. Further directions and the costs of the reference reserved.

PRESTOLITE CO. v. LONDON ENGINE SUPPLIES CO.—FALCONBRIDGE,
C.J.K.B., IN CHAMBERS—JAN. 22.

Appeal—Motion for Leave to Appeal from Order of Judge in Chambers—Question of Practice—Change of Venue—Leave Refused.]—Motion by the plaintiffs for leave to appeal from the order of a Judge in Chambers affirming the order of one of the Registrars in Chambers, changing the venue. The learned Chief Justice said that the matter was altogether too trivial to engage the attention of a Divisional Court. The only important question of principle involved was, whether London counsel should attend at Hamilton sittings or Hamilton counsel at London sittings—perhaps a subsidiary one, viz., whether any Court was very likely to reverse this particular Judge on a point of practice. Leave refused. Costs to the defendants in any event. H. E. Rose, K.C., for the plaintiffs. H. S. White, for the defendants.