

the equity of redemption from the mortgagor but did not prove the regularity of the sale or that taxes were in arrear, and relied upon 58 Vict., c. 90, s. 13 (O.), and 63 Vict., c. 103, s. 11 (O.), and also claimed for improvements as made under a mistake of title.

*Held*, (1) following *Stevenson v. Traynor* (1886), 12 O.R. 804, that the onus of proof that there were taxes in arrear for which land might rightly be sold is upon the person claiming under the sale for taxes and had not been satisfied.

(2) The words "sales for taxes" in section 11 of 63 Vict., c. 103 (O.), mean sales for taxes for which the lands might rightly be sold.

(3) Under the circumstances here, that the defendant had made no improvements as under a mistake of title, there was no mistake, he had simply improved his own land which he took subject to the mortgage.

*Haverson*, for plaintiff. *Raney*, for defendant Lyons.

Divisional Court.]

BOOTH v. BOOTH.

[Jan. 8.

*Mechanics' lien—Contract on two adjoining buildings—Lien for work done on one—Registration—Whether within time—Extent of work done.*

Where a contract was made with the respective owners of adjoining lands, on which two separate buildings were erected but included under one roof, for the repair thereof, at one entire price, separate accounts being kept for the work done, and materials furnished on each building, a lien attaches and can be enforced under Mechanics' Lien Act against the lands of each of such owners for the price of the work done and the materials provided on each respective building.

The findings of the Local Master, who tried a mechanics' lien action, as to the fact of the work being done and the materials furnished within thirty days prior to the lien being registered, and as to the extent of said work and materials, was upheld for, though the evidence was contradictory, there was evidence to support such findings.

*O'Rourke*, for appellant. *L. H. Drayton*, for respondent.

Divisional Court.]

LEWIS v. DALBY.

[Jan. 27.

*Costs—Security for—Police constable acting in discharge of duty.*

Where police constables, who had a warrant for the arrest of a person charged with an offence, entered the plaintiff's house for the purpose of executing the warrant, acting, as they claimed, under a bona fide belief that he was the person designated in the warrant, and that they were discharging their duty, they come within the provisions of R.S.O. 1897, c. 89, and are entitled to security for costs. Judgment of STREET, J., affirmed.

*Lobb*, for motion. *Davis*, contra.