and occupied by Daniel Sherwood, and that the name "David" in the deed was an error, and should have been "Daniel." Defendant claimed that the line should not directly cross the river, but should run along the bank, crossing the river further up, and then to the east corner of a rear lot which had at that time been applied for to the Crown Land Office by David Sherwood. There was evidence as to the corner recognized by Richard Sherwood and Ebenezer Sherwood while in occupation of the respective lots. The Chief Justice, who tried the cause without a jury, found for the plaintiff.

Held, on motion for a new trial, that the verdict should not be disturbed.

J. D. Phinney, Q.C., for plaintiff. *G. F. Gregory*, Q.C., for defendant.

Vanwart, J., at Chambers.] [March 16.

EX PARTE HENRY.

Mechanics' lien—Costs—Stay for appeal—Order directing County Court judge to grant same.

The judge of the York County Court made an order in a mechanics' lien case vacating plaintiff's lien because of a defect in the jurat of the affidavit of verification, with costs of the application. Defendant gave notice of taxation before the clerk of the court, but the latter declined to tax the bill, holding that under the Mechanics' Lien Act he had no power to do so. The judge was called in, and at once entered upon the taxation. Plaintiff's counsel asked that the costs be reduced to 10 per cent. of the amount in dispute between the parties under sec. 66, sub-sec. 2, of the Act, but the judge refused to do so, holding that the section did not apply to an interlocutory application of this kind. A stay of proceedings being applied for to enable the plaintiff to appeal, his Honour refused to grant it.

Held, on an application under s. 15 of the County Court Act, that the County Court judge should have granted the stay.

O. S. Crocket, in support of the motion. *W. Van Wart*, Q.C., contra.

Province of Manitoba.

QUEEN'S BENCH.

Bain, J.] TETRAULT *v.* VAUGHN. [March 29.

Tax sale—Assessment Act, R.S.M., c. 101, ss. 148, 190, 191—55 Vict., c. 26, ss. 6, 7.

Issue under the Real Property Act between plaintiff, claiming under a tax sale deed and defendant, the owner, subject to the tax sale. Judgment