

wood; some of the trees lay upon the ground and were not used at all: see McMullen v. Vannatto (1894), 24 O.R. 625.

Although an injunction was not asked for in the plaintiff's pleadings, it was asked for at the trial, and, under sec. 17 of the Judicature Act, should be granted, restraining the defendant from cutting standing green trees or timber for firewood within that portion of the uncleared land set apart for a sugar bush.

Under the Landlord and Tenant Act, R.S.O. 1914 ch. 155, sec. 20, relief against forfeiture may be given. There should be judgment declaring a forfeiture, but awarding relief against the forfeiture, upon payment by the defendant of \$350, less \$30 allowed the defendant for the removal by the plaintiff of a garage from the farm, and the costs of the action. In default of payment on or before the 10th day prior to the expiry of the two years, the forfeiture will take place, and will include in it the defendant's right to a renewal of the lease. The judgment will contain an injunction restraining the defendant from a like breach in the future.

The plaintiff should have costs on the County Court scale without set-off to the defendant, except in respect of the issues as to the breach of the covenants to repair and for good husbandry; the extra costs of these issues to be set off against the plaintiff's costs.

CLUTE, J.

MAY 7TH, 1919.

MUNDIER v. ROBINSON.

Judgment—Division Court Judgment Entered by Default against Husband and Wife in Action upon two Money-demands—Wife Liable upon one only—Return of Nulla Bona to Fi. Fa. Goods—Execution Issued against Lands—Sale by Sheriff of Wife's Land—Action to Set aside Sale and Judgment—Absence of Fraudulent Intent—Abuse of Procedure of Court—Wife's Liability for Debt of Husband—Understanding of Transaction—Influence of Husband—Irregularity—Neglect of Wife to Defend Division Court Action or Move against Judgment in Division Court—Costs.

Action to set aside a sheriff's sale of a house and lot in the city of Niagara Falls and to set aside a Division Court judgment obtained by the defendant Robinson upon which the execution under which the sale purported to be made was issued.

The action was tried without a jury at Welland.

J. C. M. Macbeth, for the plaintiffs.

T. D. Cowper, for the defendants.