

the word "manure" was not, of itself, objectionable; and that it was not essential to show that it might endanger the public health.

A conviction for unloading a car of manure on said premises, as contrary to said by-law, was, therefore, affirmed.

Aylesworth, Q.C., for the applicant.

H. E. Irwin, contra.

Practice.

ROSE, J.]

[Dec. 14, 1893.]

BLONG v. FITZGERALD.

Parties—Mortgage—Foreclosure—Wife of mortgagor—Right to redeem—Inchoate right of dower.

The wife of the mortgagor, who has joined in the mortgage for the purpose of barring her dower, to the extent of the mortgage only, has the right to redeem during her husband's lifetime, and is a necessary party to an action of foreclosure in the first instance.

And where she was not so made a party, and judgment of foreclosure was recovered in her absence, she was, after judgment and report, added as a defendant upon her own petition, and permitted to redeem or pay off and obtain an assignment of the mortgage.

John Greer for the petitioner and plaintiff.

J. A. Mills for the defendants, the Union Bank of Canada.

MEREDITH, J.]

[Jan. 9, 1894.]

IN RE POTTER AND CENTRAL COUNTIES R.W. CO.

Appeal—Award—Railway Act, 51 Vict., c. 29, s. 161 (D.)—Time—Courts—Divisional Court—Single judge.

An appeal under s. 161 of the Railway Act, 51 Vict., c. 29 (D.), from an award need not be brought on for hearing within a month from notice of the award. An effective notice of appeal, given in good faith, within the month, is sufficient.

Such an appeal should be brought on for hearing before a single judge in court, not before a Divisional Court.

McCarthy, Q.C., for the railway company.

Moss, Q.C., for the land owner.

BOYD, C.]

[Jan. 15, 1894.]

JACOBS v. ROBINSON.

Mechanics' liens—Summary procedure—53 Vict., c. 37—County Court—Jurisdiction of local master—Amendment—High Court—Costs.

A Master of the Supreme Court of Judicature has no jurisdiction as such to entertain a summary proceeding under 53 Vict., c. 37, to enforce a mechanic's lien launched in a County Court.