

cient distress to satisfy the fine and costs, imprisonment in the common jail for fourteen days, unless the fine and costs, including the costs of commitment and conveying to jail, were sooner paid.

Held, following *Regina v. Wright*, 14 O.R., 668, that the imposition of the costs of commitment and conveying to jail were unauthorized, and that s. 1 of R.S.O., c. 74, not referred to in that case, did not affect the question.

Bicknell for the applicant.

Aylesworth, Q.C., and *Waddel* contra.

Div'l Ct.

[Feb. 23.]

GARDNER v. BROWN.

Dower—Equity of Redemption.

There can be no dower in land of which the husband merely acquired the Equity of Redemption, and which he had parted with.

Re Croskery, 16 O.R., 207, followed.

Arnoldi for the applicant.

R. M. Macdonald contra.

Div'l Ct.]

[March 7.]

HUFFMAN v. WATERHOUSE.

Innkeeper—Sale of stallion under R.S.O., c. 154, for keep, &c—Lien—Revival of—Tavern license—Owner of.

An innkeeper, claiming to act under R.S.O., c. 154, sold by public auction a stallion belonging to the plaintiff, a boarder at his inn, to enforce his lien thereon for the keep and accommodation thereof.

Held, that the sale was authorized after the lien accrued; the plaintiff removed the stallion and subsequently brought it back to the inn.

Held, that the lien revived after the return of the stallion.

Under s. 12 of R.S.O., c. 194, the person receiving a tavern license is assumed to have satisfied the license commissioners that he is the true owner, but, notwithstanding, it can be shewn that the licensee was merely the agent of another, who was the real owner of the business.

D. O. Cameron and *Blain* for the plaintiff.

McFadden for the defendant Waterhouse.

Graham for the defendant Broddy.

Chancery Division.

Div'l Ct.]

[March 8.]

CAMERON v. WALKER.

Limitation of actions—Wife's property—Removal of disability of coverture—When time commences to run as against mortgagee or those claiming under the mortgage—Title by possession.

A. and B., husband and wife, were married in 1841. B. acquired certain land in 1865. Defendant was put in possession of the land (three lots) in 1869, and received a deed of one of the lots in 1870. Defendant remained in possession until 1888.

A. and B. made a mortgage of the other two lots in 1881, and a deed in 1884. Plaintiff purchased these two lots from an assignee of the mortgagee under the power of sale in the mortgage, and put up a fence around them, dividing them from the lot conveyed to defendant, and defendant pulled it down. Plaintiff then brought an action of trespass.

Held (affirming *ROSE*, J.), that B.'s disability of coverture having been removed in 1876 by 38 Vict., c. 16, s. 5 (O.), the Statute of Limitations ran against her from that time, and that defendant had acquired a good title by possession under 38 Vict., c. 16, s. 1 (O.) But,

Held, also, that as the plaintiff was a person claiming under the mortgage, the statute did not commence to run against him until (as the earliest possible period) the date of the mortgage, less than ten years before action, the plaintiff must succeed, and the judgment in the court below must be reversed.

G. M. Macdonell, Q.C., for plaintiff.

J. McIntyre, Q.C., for defendant.

BOYD, C.]

[March 13.]

KENNEDY et al v. HADDOW et al.

Mechanics' lien—Prior mortgage—Subsequent lien—Increase of selling value of the land—Priority.

Before a mortgagee having priority upon the mortgaged premises for payment of his security is postponed to the claim of one who subsequently does work upon the premises, it must be clearly proved that the selling value of the land has been increased by the work done.

The mortgage should retain its priority to the