

*Held*, that he had agreed to and did in fact abandon his rights, and by his conduct and delay had induced the mortgagees to alter their position on the faith that he had done so: *Jones v. North Vancouver Land & Improvement Co.* (1909), 14 B.C. 285, (1910), A.C. 317, followed.

*Moresby, Walls, Wilson, K.C., McCrossan and Harper*, for various parties.

Full Court.]

[Dec. 16, 1911.]

IN RE LEVY.

*Statute—Construction—Liquor Act, 1910—Liquor licenses—Regulation of by by-law.*

By s. 74 of the Liquor License Act, 1910, the Legislature intended that the sale of liquor to travellers, to guests at hotels and restaurants, and for medical purposes should apply to all municipal by-laws restricting the sale of liquor, as well as to the Liquor Act itself, and that, too, whether the municipality had dealt with the matter of restricted hours.

IRVING, J.A., dissented.

*Luxton, K.C.*, for appellant. *McDiarmid*, for corporation.

Full Court.]

[Dec. 16, 1911.]

MOFFET v. RUTTAN.

*Municipal law—Plan of subdivision—Refusal of mayor to approve—Discretion.*

The court will not grant a writ of mandamus to compel a municipal authority to approve a plan of subdivision, where the authority has refused its sanction on the ground that the subdivision did not comply with the law, and has not exercised unreasonably the discretion allowed by the statute. *Reg. on Prosecution of Wright v. Eastbourne Corporation* (1900), 83 L.T. N.S. 333, followed.

*S. S. Taylor, K.C.*, for appellant. *Ritchie, K.C.*, for respondent.

Full Court.]

[Dec. 18, 1911.]

TURNER v. MUNICIPALITY OF SURREY.

*Practice—Particulars—Interrogatories.*

Where a party had asked for and obtained particulars, and the order was reversed on appeal, and then applied for dis-