

registration for some three years after it was entered into, but a few months before its deposit for registration, a tender was made on behalf of plaintiffs if the amount due under the mortgage, which was refused on the ground that the property had been parted with and that the plaintiffs had lost their right to redeem.

*Held*, affirming the decision of HUNTER, C.J., that the mortgagee could not, after the order nisi for foreclosure, and before it was made absolute, exercise his power of sale without the leave of the Court. *Stevens v. Theatres, Limited* (1903) 1 Ch. 857; and *Campbell v. Holyland* (1877) 7 Ch. D. 166 followed.

*Davis*, K.C., and *Cayley*, for plaintiffs. *Bodwell*, K.C., and *Shaw*, for defendants.

Full Court.] IN RE LONSDALE EST. TE. [Jan. 21.

*Statute, construction of—Land Registry Act—Mandamus.*

There was submitted to the municipal council of North Vancouver a plan shewing a sub-division of a portion of a lot in pursuance of s. 68 of the Land Registry Act. The plan shewed a portion of the lot abutting on the waterfront, left not sub-divided, the strip so remaining averaging some 400 feet long the end of the lot between First Street and the waterfront. The reeve declined to certify the plan on the ground that under s. 68 of the Land Registry Act the streets should be shewn extending down to the water. On application to IRVING, J., a writ of mandamus was issued directing the reeve to certify the plan in compliance with s. 68. From this the municipal council appealed.

Sec. 68 provides that in case a lot borders on the shores of any navigable water, the streets leading to and continuing to such water must be shewn at a not greater distance apart than 600 feet.

*Held*, that the object of the section was to require land abutting on navigable waters to be sub-divided so as to provide straight and continuous access to the water at intervals of not less than 600 feet.

Per MARTIN, J.:—The section does not apply unless the streets which lead towards the water reach it.

*A. D. Taylor*, for appellants. *Davis*, K.C., for respondent.