

his regular lien in the event of the sums paid in being deficient. . . . The vendor's lien is a right inherent in equity independently of contract. As to the public, they could have no right to use, except subject to payment." In *Munns v. Isle of Wight Ry. Co.*, L.R. 5 Ch. 414, Giffard, L.J., said (at p. 417): "Look at the case on principle. A railway company acquires land subject to the obligation of paying for it, and dedicates it to the public; the conditions of paying for it not being fulfilled, the land is ordered to be sold. Surely what has to be sold is the estate which the vendor had." (See also, *Cosens v. Bognor Ry. Co.*, L.R. 1 Ch. 594; *Bishop of Winchester v. Mid-Hants Ry. Co.*, L.R. 5 Eq. 17.)

The case in the Exchequer Court was that of *Yule v. The Queen* (post, p. 379), and turned upon the terms of the Act of the old Province of Canada, 8 Vict., c. 90, which empowered one John Yule to build a certain bridge and to take tolls thereon for the period of fifty years, and declared that at the end of said period, the bridge, toll houses, etc., should be vested in Her Majesty, her heirs, etc., and be free for public use; and that it should then be lawful for the said John Yule, his heirs, etc., to claim and obtain from Her Majesty the full and entire value which the same should at the end of the said fifty years bear and be worth exclusive of the value of any toll or privilege. Burbidge, J., held that the language of this enactment excluded the theory of a vendor's lien in respect of the compensation money.

SOME LIQUOR LICENSE ACT ANOMALIES.

By section 57 of the Liquor License Act a person found in a bar room during prohibited hours is guilty of an offence and liable on conviction to a fine or imprisonment. By section 59 a person who obtains liquor at a tavern during prohibited hours renders himself liable to the like penalty; but the magistrate presiding at the trial of any complaint against a license holder for selling during prohibited hours "may, having regard to the demeanor of any witness and his mode of giving his evidence, by a certificate in that behalf exempt