

actions to set aside wills in which the jurisdiction is conferred by s. 55 of the Judicature Act; and it has also the power to determine the title to land possessed by the courts of equity and law upon the issue *devisavit vel non*.

2. As to the additional application for a declaratory decree, the court has no power to pronounce such a decree apart from legislative authority, unless consequent relief is asked and can be given, and the High Court cannot under the guise of a declaratory decree usurp the jurisdiction conferred by legislature upon any other tribunal.

H. Guthrie, K.C., for plaintiff. F. Denton, for defendants.

Province of Manitoba.

COURT OF APPEAL.

Full Court.] MANNING v. CITY OF WINNIPEG. [April 10.

Municipal corporation—Contract of, without by-law—Employment of counsel by city—Winnipeg charter.

Appeal from judgment of MATHERS, C.J., noted vol. 46, p. 548, dismissed with costs.

Full Court.] SMITH v. NATIONAL TRUST CO. [April 10.

Mortgage—Power of sale—Possession of mortgaged premises held by mortgagee for statutory period—Real Property Limitation Act—Real Property Act—Laches—Acquiescence.

Held, 1. A mortgagee under a mortgage of land registered under the Real Property Act, whether the power of sale contained in the mortgage may be exercised without notice or after notice, can only make a valid sale of the property (1) by the directions or order of the district registrar under section 110 of the Act, or (2) by an action in the Court of King's Bench for foreclosure or sale; and, therefore, a purchaser from the mortgagee, although the latter be lawfully in possession and purports to sell and convey the land, does not acquire a title free from the mortgagor's