

barred by sec. 106 under the conditions therein specified. The remedy of sec. 105, however, is only available to "any person deprived of any land."

Sec. 108 sets out persons suffering loss through mistake and persons deprived of land as apparently separate classes, yet Hogg points out the difficulty of treating them as distinct classes and possibly in view of the definition given by the Act, as, amongst other things, "any interest in land, legal or equitable" even a mortgagee or an execution creditor whose right had been lost by reason of some mistake or omission in the Land Titles office might be said to be a person "deprived of land," but even if we get that far, we are not by the opening words of the section, which are "After a certificate of title has been granted therefor any person deprived of any land, etc." These are the exact words of the section in the Act of 1894, this again being an alteration from the former Act, the corresponding section of the Act of 1886 commencing with the words "Any person deprived of land."

The words of the Saskatchewan section are "After a certificate of title has been granted for any land, any person deprived of such land" which gave the same meaning as the Alberta Act, though perhaps a little more clearly expressed.

It seems clear that the only land the deprivation of which is provided for by this section is land for which a certificate of title has been granted. Inasmuch as certificates of title are not granted to mortgagees to shew their interests, a mortgagee is not deprived of an interest for which a certificate of title has been granted and cannot come within the provisions of this section and therefore cannot come within the provisions of sec. 108. Most of the Australian Acts contain sections similar to sec. 105, but in none of them does the section contain the provision for a certificate of title as ours does. By reason of this provision I find it impossible to give any construction to the provisions of the Act which will furnish any relief to the plaintiff, and I must therefore dismiss the action but without costs.

*Action dismissed.*

ALTA.

S. C.

SETTER

v.

THE

REGISTRAR

Harvey, C.J.