

necessary such notice may be effectually given either by leaving the same with a grown up person on the said lands if occupied, or by placing it thereon if unoccupied, or at the option of the company by publishing the same once in some newspaper published in the Province of Manitoba . . . and that the purchaser at any sale hereunder shall not be bound to see to the propriety or regularity thereof, and that no want of notice or of publication when required hereby shall invalidate any sale hereunder."

The District Registrar contended that the insertion of the word "calendar" in the short form prevented the mortgagee from getting the benefit of the long form No. 13 given in Schedule 2 of The Short Forms Act, R.S.M. 1902, c. 157, and that the mortgage did not contain a sufficiently clear provision enabling the mortgagee to sell and convey the whole estate in the land without giving any notice to the mortgagor of the intention to sell.

*Held*, that the insertion of the word "calendar" was a qualification of the short form such as is provided for by section 9 of the Act, and that the proviso above quoted was sufficient to warrant a sale after two months' default without any notice, and that Cather was entitled to be registered as owner of the land unless there was some other objection to his claim.

Appeal allowed and order made accordingly.

C. P. Wilson, for District Registrar. Aikins, K.C., and Loftus, for applicant.

Killam, C. J.] ANDERSON v. LICENSE COMMISSIONERS. [July 29.

*Liquor License Act—Local option by-law—Changes in boundaries and name of municipality after passing of by-law—Mandamus—By-law good in part and bad in part.*

Motion for a mandamus requiring the License Commissioners for District No. 1 to rehear and reconsider the application of Thomas Anderson for a hotel license to sell spirituous liquors in the unincorporated village of Napinka. This village is in the territory which in 1890 constituted the rural municipality of Brenda, and on the application coming before the commissions they refused to grant the license on the sole ground that a local option by-law passed on 5th March, 1890, by the council of the said municipality under the Liquor License Act then in force, was heard before them and prevented the granting of such license.

On the argument for the mandamus counsel for Anderson contended that the said by-law was bad or had ceased to have any effect on the following grounds: (1). That in addition to providing that the municipality should not receive any money for licenses, it went further and purported to enact that no license should be granted by the commissioners within the limits of the municipality, which prohibition was not authorized by the statute. (2). That the by-law lost its force and became inoperative when