Dominion of Canada.

SUPREME COURT.

Man.1

WILLIAMS v. Box.

[Nov. 2, 1910.

Title to land—Mortgage—Foreclosure—Equitable jurisdiction of court—Opening foreclosure—Construction of statute—Real Property Act, R.S.M. 1902—Equity of redemption—Certificate of title.

By the effect of 126 of the Manitoba Real Property Act, R.S.M. 1902, c. 148, as amended by s. 3of c. 75, 5 & 6 Edw. VII., the court has equitable jurisdiction to open up foreclosure proceedings in respect of mortgages foreclosed under sections 113 and 114 of the Act, notwithstanding the issue of a certificate of title, in the same manner and upon the same grounds as in the case of ordinary mortgages, at all events where rights of a third party holding the status of a bonâ fide purchaser for value have not intervened. Judgment appealed from (19 Man. R. 560) reversed. See 45 C.L.J. 491 and 46 C.L.J. 230.

Appeal allowed with costs.

Coyne, for appellant. G. W. Baker, for respondent.

B.C.] SISTERS OF CHARITY v. VANCOUVER. [Nov. 21, 1910.

Construction of statute—Quasi judicial duties—Delegation of legislative or administrative power.

The Vancouver Incorporation Act, 64 Vict. c. 54 (B.C.), by sub-s. 3 of s. 46 provides that "The buildings and grounds of and attached to and belonging to any incorporated seminary of learning, public hospital, or any incorporated charitable institution, whether vested in trustees or otherwise, so long as such buildings and grounds are actually used and occupied by such institution, or if unoccupied, but not if otherwise used or occupied; provided, that such grounds shall not exceed in extent the amount actually necessary for the requirements of the institution. The question as to what amount of land is necessary shall be decided by the Court of Revision, whose decision shall be final."