

MIDDLETON, J., in a written judgment, said that the vendor bought the land on the 1st November, 1911, and gave a mortgage, payable on the 1st January, 1912, for \$200, part of the purchase-money. This mortgage was paid off on the 25th January, 1912; and the mortgagee's receipt was produced. No discharge was registered, as the mortgagor was ignorant of the law; and the mortgagee could not now be found. This was a second mortgage. The first mortgage was paid off and discharged in July, 1920.

The effect of this discharge, under sec. 67 of the Registry Act, R.S.O. 1914 ch. 124, was to convey the legal estate to the mortgagor, who was the person entitled in equity.

The objection was in this way fully answered.

MIDDLETON, J., IN CHAMBERS.

SEPTEMBER 10TH, 1920.

*REX v. FOXTON.

Ontario Temperance Act—Magistrate's Conviction for Offence aga inst sec. 41—Having Liquor in Place other than Private Dwelling House—Search-warrant—Finding of Keg on Premises—Evidence as to Contents—Sufficiency—"Liquor"—Sec. 2 (f) of Act.

Motion to quash a conviction of the defendant, by a magistrate, for the offence of having intoxicating liquor in a place other than a private dwelling house, contrary to the provisions of sec. 41 of the Ontario Temperance Act, 6 Geo. V. ch. 50.

J. J. MacLennan, for the defendant.

• F. P. Brennan, for the magistrate.

MIDDLETON, J., in a written judgment, said that the sole question argued was, whether the proof of the nature of what was found upon the defendant's premises was sufficient.

The defendant received from a railway company, on the 2nd June, a 5-gallon keg marked as containing liquor, and signed a receipt therefor. This was dealt with under the provisions of the Act relating to the possession of intoxicating liquor, and it was sufficiently shewn to be intoxicating liquor.

On the 25th June, a search was made, under a search-warrant, of the defendant's premises, and two kegs were found, one containing, it was said, two gallons of liquor. There was nothing to identify it with the keg received from the railway company. The License Inspector who made the search, said, according to the magistrate's note: "The warrant was to search for liquor. We