

2. Even if the legal ownership of the grain was to be in the lessor, it was still, as to two-thirds, held for the benefit of the lessee, subject to the lessor's charge for the taxes, advances, etc., and the lessee had an equitable interest in it, and the lessor's lien or charge sought to be secured to him by the lease was void under s. 39 of The Bills of Sale and Chattel Mortgage Act, now Chapter II. of R.S.M., 1902, as being a charge upon crops to be grown in the future.

3. The interest of the lessee in the grain, whether legal or only equitable, was subject under s. 182 of the County Courts Act, R.S.M., 1902, c. 38, to seizure and sale under the plaintiff's execution, and that the claimant's interest could not prevail over that of the plaintiff.

Appeal dismissed with costs.

*Howell*, K.C., for plaintiff. *Wilson*, for claimant.

Killam, C.J.]

[June 11.

IN RE HOUGHTON AND MUNICIPALITY OF ARGYLE

*Liquor License Act—Local option by-law—Application to quash for defects in proceedings.*

Application to quash a local option by-law of the rural municipality of Argyle passed in 1889 under the Liquor License Act then in force on the following grounds: (1) That the by-law had not been signed by the Reeve; (2) That the by-law fixing the day, hours and places for taking the vote had not been signed by the Reeve or sealed with the corporate seal; (3) That the notice of the by-law and of the intention to take the vote thereon had not been published for the prescribed period. Sec. 428 of The Municipal Act, R.S.M., (1902) c. 116, provides that an application to quash a by-law of a municipality shall not be entertained after one year from the passing of the by-law, "except in the case of a by-law requiring the assent of the electors or ratepayers where the by-law has not been submitted to or has not received the assent of the electors or ratepayers."

*Held*, that this enactment means a submission in fact and an assent in fact as ascertained by a submission in fact, without reference to the validity of the formalities attending the submission, and as the alleged by-law was actually submitted to a vote of the electors and received their assent and stood without objection for over thirteen years, the application to quash could not now be entertained. Application dismissed.

*T. S. Ewart*, for applicant. *A. J. Andrews*, for municipality.