

Co. sued for foreclosure of their equitable mortgage joining Rowling in the suit. Kearns did not appear. The trial judge dismissed the suit as against Rowling with costs. Plaintiff appealed to the full Court, which ordered a new trial, costs to abide the result of the new trial.

*Held*, that the Rowling deed was unlawfully registered as a charge, (the title deeds not being produced nor an affidavit to account for their absence) and must be cancelled.

*Held*, also, that said deed could not vitiate plaintiff's equitable mortgage and that plaintiff must have foreclosure of the mortgage with all costs.

*Davis*, Q.C., for plaintiff.

*McPhillips*, Q.C., for defendant.

## North-West Territories.

### SUPREME COURT.

EN BANC]

[Regina, Dec. 5, 1895.

CONGER *v.* KENNEDY.

*Married women's personal property ordinance—Husband's rights to chattels of wife—N.W.T. Act, ss. 36-40.*

Appeal from judgment of ROULEAU, J., dismissing action to recover from administrator of deceased husband, possession of certain chattels belonging to the wife prior to her marriage on 11th Dec., 1889, and transferred by her to plaintiff.

*Held*, that Ordinance 16 of 1889 (repealed by 20 of 1890) did not confer on married women any greater powers of holding personal property than was conferred by the North-West Territories' Act, R. S. C., c. 50, ss. 36-40, and that except as to the classes of personal property specified in the last mentioned Act, the common law rights of the husband to the personal property of his wife still existed after the passing of the said Ordinance 16 of 1889, and the words "her personal property" in said Ordinance are to be taken as meaning, "whatever was, at the time of the passing of the Ordinance, under the law as it existed, her personal property."

Appeal dismissed with costs, WETMORE, J., dissenting.

*P. McCarthy*, Q.C., for appellants.

*C. C. McCaul*, Q.C., for respondent.

An appeal is being taken to the Supreme Court of Canada.

### SOUTHERN ALBERTA JUDICIAL DISTRICT.

ROULEAU, J., }  
In Chambers. }

[Jan. 22.

REGINA *v.* WHITE.

*Liquor license ordinance—Appeal from conviction.*

This was an appeal from a conviction by a Justice of the Peace for an offence under sec. 64 of Ord. 18 of 1891-92.

*Held*, that the provisions for appeals prescribed by ss. 124-125 apply only to appeals from convictions for offences punishable under sec. 91, and the