

ablement resulting from the tubercular condition of the wrist was not a fresh intervening cause, but was itself caused "directly, independently, and exclusively of all other causes" from the accident, and therefore the respondent was entitled to recover under the policy.

Decision of the Supreme Court of Ontario (reported 37 Ont. L. Rep. 335) affirmed.

Sir John Simon, K.C. and *D. L. McCarthy* K.C., for appellants; *P. O. Lawrence* K.C. and *J. D. Montgomery*, for respondent.

Dominion of Canada.

SUPREME COURT.

Alta.]

[Oct. 9, 1917.

TORONTO GENERAL TRUSTS V. THE KING.

Taxation—Succession duties—Property in province—Mortgage—Foreign mortgage.

The debt secured by a mortgage on lands in Alberta, registered under the provisions of The Land Titles Act, is "property in the province" within the meaning of section seven of the Succession Duties Act (5 Geo. V. c. 5 [Alta.]) though the domicile of the mortgagee is out of the province and the debt is a specialty debt. Anglin, J., dissenting. Though a seal is not essential to the validity of a mortgage in Alberta if it is executed under seal the debt is a specialty. Idington, J., *àubitants*.

Held, per Duff, J. In the sense of international law a mortgage on land is an immovable.

Held, per Anglin, J. The mortgage executed under the seal of the mortgagor is the evidence of the debt independently of registration and is conspicuous in the domicile of the mortgagee.

Ford, K.C., for appellant.

Lafleur, K.C., for respondent.

Alta.]

GRACE V. KUEBLER.

[Oct. 9, 1917.

Sale of land—Payment by instalments—Assignment of purchase moneys—Notice—Payment by purchaser to vendor—Caveat.

Under the provisions of the Land Titles Act of Alberta, the payment by a purchaser to his vendor of the purchase moneys