

The mortgagor, on the other hand, might have some reason to complain if he were deprived of any of the periods of delay provided by the statutory procedure, particularly if the entire security were under the Torrens system. What liberty the Court could properly take in setting off, against the period for redemption which the land titles officer might or must allow, the period ordinarily allowed by the Court practice, does not appear to have come up for decision.

An interesting question would be raised if several properties were mortgaged in one transaction and for one sum, and only one of the properties was subject to the Torrens system. There might and probably would be separate mortgage documents and each of these might charge each property with the entire indebtedness.

In such case if an ordinary foreclosure action were brought as to the major portion of the security not having a Torrens title, it would be convenient to include also the Torrens system property. In fact it would have to be provided for to the extent of directing the mortgagee to discharge it along with the rest of the properties in case the mortgagor redeemed. So also in the case of collateral mortgage securities, it may well be that the mortgagor would have no separate and independent rights in equity in respect of the Torrens system mortgage, and that the circumstance might justify the Court in making a personal order against the mortgagor regardless of the statutory procedure for foreclosure and sale under the Real Property Act (Man.) or other Torrens system statutes.

Where the land titles officials have the exclusive jurisdiction as to the actual transfer of title the Court might not be able to vest the title of the defendant disobeying the decree in the party entitled to obtain it, but it might enforce its order by sequestration proceedings or by proceedings in contempt involving the personal imprisonment of the defaulter.

Province of Alberta.

SUPREME COURT.

Stuart, Beek, Simmons, and Walsh, JJ.] [14 D.L.R. 333.

STEPHENS v. BANNAN AND GRAY.

i. *Land titles (Torrens system)—Caveats—Filing in land titles office—Priority.*

Of two persons each acquiring interests from a common source in the same land under unregistered contracts for its sale, the one first filing a caveat in the land titles office will, under the Land Titles Act, Alta. Stats. 1906 (6 Edw. VII.) ch. 24, relating to the filing of caveats, be entitled to priority in the absence of fraud even though he may have had notice of