

LAND TITLES ACT CASE LIST**Institute of Law Research and Reform**

This list of cases was prepared for the internal use of the Institute of Law Research and Reform in its project on the revision of the Land Titles Act. It seems likely however to prove a useful reference for practitioners and others doing research into this area of the law. It was prepared during the summer of 1974 under the direction of Professor M. Sychuk of the Faculty of Law, University of Alberta, by Heather Lamoureux and Norman Picard who at the time were students in the Faculty of Law. The list was recently updated to include cases decided up to February of 1976.

- Section 2** *Re MacKenzie & Mann Ltd. and Foley* (1909) 10 W.L.R. 668(Sask.).
Re Registration of a Transfer of Coal Rights (1914) 7 W.W.R. 769(Sask.).
Friesen v. Great West Permanent Loan Co.; Mennonite Land Sales Co. Ltd. v. Friesen [1924] 3 W.W.R. 883 (Sask.).
In Re Land Titles Act; In Re Fielding and North of Scotland Mtge. Co. [1927] 2 W.W.R. 623(Alta.).
Knight Sugar Co. Ltd. v. Alberta Railway and Irrigation Co. [1938] 1 W.W.R. 234 (Alta.).
Landowners Mutual Minerals Ltd. v. Registrar of Land Titles (1952) 6 W.W.R. (NS) 230(Sask.).
Re Quieting Titles Act; Re a Certain Lot New Westminster District (1962) 40 W.W.R. (NS) 182(B.C.).
Central Mortgage and Housing Corporation v. Adams (1968) 67 W.W.R. (NS) 561(B.C.).
- Section 19** *Re Land Registry Act; Re Continental Explosives* (1964) 49 W.W.R. (NS) 762(B.C.).
- Section 20** *In Re Bentley and Morris* (1892) 12 Can. Law Times 119.
Greenshields Ltd. and Ritchie (1905) 6 Terr. L.R. 208.
Re American-Abell Engine & Thresher Co. and Noble (1906) 6 Terr. L.R. 359.
Gorman and Co. v. Archibald (1908) 1 A.L.R. 525.
Re Land Titles Act (1912) 5 A.L.R. 385.
Re Toth and J. I. Case Threshing Machine Co. (1910) 14 W.L.R. 704(Sask.).
Hall v. Registrar of Yorkton Land Registration District (1911) 16 W.L.R. 568(Sask.).
Re Bank of Hamilton and McAllister (1912) 22 W.L.R. 849(Alta.).
Re Sinclair (1913) 23 W.L.R. 286(Alta.).
Siemens v. Dirks (1913) 25 W.L.R. 633(Man.).
- Section 25** *Siemens v. Dirks* (1913) 25 W.L.R. 633(Man.).
Friesen v. Great West Permanent Loan Co.; Mennonite Land Sales Co. Ltd. v. Friesen [1924] 3 W.W.R. 883 (Sask.).
In Re Land Registry Act; In Re Bankruptcy Act; In Re Chambers [1943] 1 W.W.R. 297(B.C.).
Summers' Agricultural Services Ltd. v. Vacationland Properties Ltd. [1972] 2 W.W.R. 477(Alta.).
- Section 34** *Re Land Titles Act* (1913) 7 A.L.R. 32.
Re Canadian Explosives and Land Registry Act [1918] 1 W.W.R. 399(B.C.).

- In Re Land Titles Act; Olson Lease* [1920] 1 W.W.R. 739 (Sask.).
Bremner v. Trusts & Guarantee Co. [1928] 3 W.W.R. 415 (Alta.).
- Section 38** *Re Land Registry Act and Shaw* (1915) 8 W.W.R. 1270 (B.C.).
- Section 51** *St. Germain v. Reneault* (1909) 2 A.L.R. 371.
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St. Germain v. Reneault (1910) 12 W.L.R. 169 (Alta.).
Re Discharge of Mortgage (1913) 5 W.W.R. 126 (Sask.).
Re Registration of Mortgage (1913) 5 W.W.R. 1189 (Sask.).
Re Land Titles Act and Allan and O'Connor [1918] 1 W.W.R. 440 (Alta.).
Gillson v. Gillson (1961) 36 W.W.R. (NS) 480 (B.C.).
- Section 52** *In Re Land Titles Act, Sec. 51; Hyndman v. City of Edmonton* [1949] 1 W.W.R. 751 (Alta.).
Bank of Montreal v. University of Saskatchewan (1953) 9 W.W.R. (NS) 193 (Sask.).
In Re S. 51 Land Titles Act (Grieve's Application) (1953) 10 W.W.R. (NS) 49 (Alta.).
Re Land Titles Act, S. 52; Re Certain Restrictive Covenants (1963) 44 W.W.R. (NS) 480 (Alta.).
Marahens and Marahens v. Oluk [1975] 1 W.W.R. 137 (Alta.).
- Section 54** *In Re Land Titles Act* (1899) 4 Terr. L.R. 300.
Greenshields Ltd. and Ritchie (1905) 6 Terr. L.R. 208.
Re American-Abell Engine & Thresher Co. and Noble (1906) 6 Terr. L.R. 359.
In Re Gordon (1901) 7 Terr. L.R. 134.
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Re Land Titles Act (No. 2) (1913) 24 W.L.R. 385 (Alta.).
Re Gardiner and District Registrar at Nelson (1914) 27 W.L.R. 536 (B.C.).
Re Land Titles Act (1913) 4 W.W.R. 677 (Alta.).
Re Land Titles Act (1913) 4 W.W.R. 857 (Sask.).
Arnold v. National Trust Co.; Re Land Titles Act (1913) 4 W.W.R. 1113 (Alta.).
Re Registration of Mortgage (1914) 5 W.W.R. 1189 (Sask.).
Re C.P.R. Co. and Reid (1914) 6 W.W.R. 1160 (Sask.).
Re Registration of a Transfer of Mortgage (1915) 9 W.W.R. 491 (Sask.).
Re Land Titles Act etc. [1918] 1 W.W.R. 411 (Sask.).
Re Land Titles Act [1918] 2 W.W.R. 939 (Sask.).

Re Land Titles Act; Yorkton Gas Co. Ltd.'s Case [1918] 3 W.W.R. 15 (Sask.).

Re Land Titles Act [1918] 3 W.W.R. 348 (Sask.).

In Re Land Titles Act; Weightman's Case [1919] 1 W.W.R. 44 (Sask.).

In Re Land Titles Act [1919] 1 W.W.R. 628 (Sask.).

Home Oil Distributors v. Bennett [1936] 1 W.W.R. 385 (B.C.).

In Re Land Registry Act; In Re Conveyance from Cawley to Lumley [1947] 2 W.W.R. 526 (B.C.).

Re Land Registry Act; Re Application A3554 (1967) 60 W.W.R. (NS) 509 (B.C.).

Re Land Registry Act; Re Beeler's Application (1970) 71 W.W.R. (NS) 680 (B.C.).

Section 55 *Reichert v. Registrar for Regina Land Registration District* (1965) 53 W.W.R. (NS) 382 (Sask.).

Section 56 *In Re Kerr* (1902) 5 Terr. L.R. 297.
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Smith v. Smith (1915) 8 W.W.R. 1077 (Alta.).
In Re Church (1923) 3 W.W.R. 405 (Alta.).
In Re Land Titles Act (Ancey's Case) (1924) 3 W.W.R. 506 (Sask.).
Lapin v. Abigail [1934] 3 W.W.R. 689 (Aust.).
Knight Sugar Co. Ltd. v. Alberta Railway and Irrigation Co. [1938] 1 W.W.R. 234 (Alta.).
L. & C. Lumber Co. Ltd. v. Lundgren [1942] 3 W.W.R. 557 (B.C.).
Davidson v. Davidson [1946] 2 D.L.R. 289 (B.C.).
Hutton v. Holt [1950] 2 W.W.R. 17 (Alta.).
Forrest v. Howe (1951) 4 W.W.R. (NS) 300 (B.C.).
Re McCurdy Supply Co. Ltd. v. Doyle; Russell and Community Investments Ltd. (1956) 20 W.W.R. (NS) 125 (Man.).
Stonehouse v. A.G. of British Columbia (1962) 37 W.W.R. (NS) 62 (B.C.).
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Kaup v. Imperial Oil Limited (1962) 37 W.W.R. (NS) 193 (Sask.).
Protective Holdings Ltd. v. M & P Transport Ltd. (1969) 70 W.W.R. (NS) 591 (Alta.).
Progressive Services Ltd. and Vancouver Boat Shop Ltd. v. Corporation of District of Burnaby (1970) 75 W.W.R. (NS) 303 (B.C.).

- Section 57** *In Re Bentley and Morris* (1892) 12 Can. Law Times 119.
Grace v. Kuebler (1917) 12 A.L.R. 392.
Mackie v. Standard Trusts Company (1922) 17 A.L.R. 236.
Robinson v. Ford (1914) 31 W.L.R. 13 (Sask.).
Morris v. Morris and French [1931] 3 W.W.R. 427 (B.C.).
- Section 58** *McRae v. Planta* [1924] 2 W.W.R. 323 (B.C.).
- Section 61** *Glenn v. Scott et al.* (1898) 2 Terr. L.R. 339.
In Re MacDonald Estate (1925) 21 A.L.R. 66.
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Colonial Investment and Loan Co. v. Foisie (1911) 19 W.L.R. 748 (Sask.).
Ross and Phillips v. Schmitz (1913) 5 W.W.R. 399 (Sask.).
Evans et al. v. Ashcroft et al. (1915) 8 W.W.R. 899 (Alta.).
Montreal Trust Co. v. Boggs and Beresford (1915) 8 W.W.R. 1200 (Sask.).
Great West Lumber Co. v. Murrin and Gray [1917] 1 W.W.R. 945 (Alta.).
Dominion of Canada Investment and Debenture Co. Ltd. v. Carstens [1917] 3 W.W.R. 153 (Sask.).
Re L.T.A. and Re Ronald and Summers [1917] 3 W.W.R. 626 (Alta.).
Trusts and Guarantee Co. Ltd. v. Stephens [1919] 3 W.W.R. 410 (Alta.).
Trusts & Guarantee Co. Ltd. v. Landreville and Singer [1922] 2 W.W.R. 586 (Alta.).
Walsh v. Popham [1924] 2 W.W.R. 1193 (Alta.).
Trusts & Guarantee Co. Ltd. v. Monk [1925] 1 W.W.R. 5 (Alta.).
In Re MacDonald Estate [1925] 1 W.W.R. 1031 (Alta.).
Sanford v. Frizzle and Elliot [1925] 2 W.W.R. 601 (Alta.).
Anderson v. Stasiuk [1927] 1 W.W.R. 49 (Sask.).
Trusts and Guarantee Co. Ltd. v. McLeod and Buxton [1928] 3 W.W.R. 205 (Alta.).
Sokolov v. Kachmark [1929] 1 W.W.R. 353 (Man.).
Sakaliuk v. Corry [1930] 1 W.W.R. 424 (Alta.).
Devenish v. Connacher [1930] 2 W.W.R. 254 (Alta.).
Hamlyn v. Kaplan [1936] 2 W.W.R. 293 (Alta.).
Superior Builders v. Scott and Shore [1937] 2 W.W.R. 274 (Man.).
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In Re Forster Estate [1941] 3 W.W.R. 449 (Alta.).
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- Central Mortgage and Housing Corporation v. Conaty* (1967) 59 W.W.R. (NS) 11 (Alta.).
- Central Mortgage and Housing Corporation v. Johnson and Chalazan* [1971] 5 W.W.R. 163 (Sask.).
- Section 62** *Great West Lumber Co. v. Murrin & Gray* (1916) 11 A.L.R. 173.
- Section 63** *Canada Permanent Mortgage Corporation v. Natha Singh* [1921] 2 W.W.R. 361 (B.C.).
- Gutschenritter v. Ball* [1923] 3 W.W.R. 619 (Sask.).
- Sakaliuk v. Corry* [1930] 1 W.W.R. 424 (Alta.).
- Majestic Mines Ltd. v. A.G. for Alberta* [1941] 2 W.W.R. 353 (Alta.).
- Essery v. Essery; Tatko v. Leifke* [1947] 2 W.W.R. 1044 (Alta.).
- Boyczuk v. Perry and Perry* [1948] 1 W. W.R. 495 (Alta.).
- In Re Land Titles Act and a Certain Certificate of Title* (1952) 7 W.W.R. (NS) 21 (Sask.).
- In Re Land Titles Act and Yukon Oils Ltd.* (1952) 7 W.W.R. (NS) 47 (Alta.).
- In Re Mechanics' Lien Act; United Sheet Metal Ltd. v. Hager* (1953) 7 W.W.R. (NS) 481 (Alta.).
- Balzer and Balzer v. Registrar of Moosomin Land Registration District* (1954) 11 W.W.R. (NS) 469 (Sask.).
- C.P.R. v. Turta* (1954) 12 W.W.R. (NS) 97 (Alta.).
- Henderson and Henderson v. Montreal Trust Co. (Administrator of Murphy Estate)* (1955) 14 W.W.R. (NS) 210 (Alta.).
- Imperial Oil Ltd. v. Conroy and Berthiaume (Judicial Trustee of Gratrix Estate)* (1954) 12 W.W.R. (NS) 569 (Alta.).
- Carr & Son and Carr Plumbing & Heating Ltd. v. Rayward and Bell* (1955) 17 W.W.R. (NS) 399 (B.C.).
- Lukiv v. Abbotsford School District No. 34* (1958) 26 W.W.R. (NS) 645 (B.C.).
- Stonehouse v. A.G. of British Columbia* (1962) 37 W.W.R. (NS) 62 (B.C.).
- Fellger v. Canada Trust Co.* (1961) 34 W.W.R. (NS) 418 (Alta.).
- Kaup v. Imperial Oil Limited* (1962) 37 W.W.R. (NS) 193 (Sask.).
- Credit Foncier Franco-Canadien v. Bennett and Allen and A.G. for British Columbia* (1963) 43 W.W.R. (NS) 545 (B.C.) (re costs: (1964) 47 W.W.R. (NS) 369).
- Duncan v. Joslin* (1965) 51 W.W.R. (NS) 346 (Alta.).
- Hudson's Bay Co. v. Shivak* (1965) 52 W.W.R. (NS) 695 (Sask.).
- Re Land Registry Act; Canada Permanent Mortgage Corp. v. Registrar of Titles* (1966) 58 W.W.R. (NS) 9 (B.C.).

Re Quieting Titles Act; Re a Certain Lot, Kootenay District (1967) 60 W.W.R. (NS) 119 (B.C.).

Public Trustee for Alberta v. Pylypow [1973] 6 W.W.R. 673 (Alta.).

- Section 64** *Daly v. Robertson* (1892) 1 Terr. L.R. 427.
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Reference Re Title to Mines and Minerals in S.W. ¼ of 14-53-26 W. 4th M. (1954) 13 W.W.R. (NS) 58 (Alta.).
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- Section 65** *Burden v. Registrar of Land Titles for N. Alberta Land Registration District* (1913) 5 W.W.R. 122 (Alta.).
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- Essery v. Essery; Tatko v. Leifke* [1947] 2 W.W.R. 1044 (Alta.).
- In Re Land Titles Act and A Certain Certificate of Title* (1952) 7 W.W.R. (NS) 21 (Sask.).
- In Re Mechanics' Lien Act; United Sheet Metal Ltd. v. Hager* (1953) 7 W.W.R. (NS) 481 (Alta.).
- C.P.R. v. Turta* (1954) 12 W.W.R. (NS) 97 (Alta.).
- Re Certain Mineral Rights; Re Land Titles Act, Sec. 82; A.G. Can. v. Toth* (1959) 27 W.W.R. (NS) 230 (Sask.).
- Fellger v. Canada Trust Co.* (1961) 34 W.W.R. (NS) 418 (Alta.).
- Kaup v. Imperial Oil Ltd.* (1962) 37 W.W.R. (NS) 193 (Sask.).
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- Moore v. Moore* (1971) 16 D.L.R. (3d) 174 (B.C.).
- Section 67** *Neider v. Carda of Peace River District Ltd.* [1971] 2 W.W.R. 379 (Alta.).
- Grier v. Krivak* [1973] 1 W.W.R. 739 (Man.).
- Section 68** *In Re Land Titles Act* (1899) 4 Terr. L.R. 300.
- Section 70** *Re Registration of Easements* (1915) 8 W.W.R. 171 (Sask.).
- In Re Land Registry Act; In Re Harrie; City of Vancouver v. Registrar of Titles* [1945] 2 W.W.R. 348 (B.C.).
- In Re Land Titles Act; in Re Interprovincial Pipe Line Co.* (1950) 1 W.W.R. (NS) (Sask.).
- Section 73** *Brogden v. Brogden* (1920) 15 A.L.R. 499.
- Re Anderton* (1908) 8 W.L.R. 319 (Alta.).
- Harris v. Keith* (1911) 16 W.L.R. 433 (Alta.).
- Wallace v. Potter* (1913) 24 W.L.R. 262 (Alta.).
- Wallace v. Potter (No. 2)* (1913) 4 W.W.R. 738 (Alta.).
- Sinclair v. McLellan* [1919] 2 W.W.R. 782 (Alta.).
- Burch v. Towder* [1923] 1 W.W.R. 180 (B.C.).
- Gunn v. McInnes* [1923] 1 W.W.R. 353 (Man.).
- Washington and Great Northern Townsite Co. v. Holbrook* [1924] 1 W.W.R. 511 (B.C.).
- Shirtcliffe v. Lemon* [1924] 1 W.W.R. 1059 (Alta.).
- Dobek v. Jennings* [1928] 1 W.W.R. 348 (Alta.).
- Nugent v. Moore* [1938] 2 W.W.R. 561 (Man.).
- Saturley v. Young* [1945] 3 W.W.R. 110 (Alta.).
- Boyczuk v. Perry and Perry* [1948] 1 W.W.R. 495 (Alta.).
- In Re Land Titles Act, Limitation of Actions Act and Dower Act; Jameson v. Hyslop* [1950] 2 W.W.R. 1273 (Alta.).

- Lukiv v. Abbotsford School District No. 34* (1934) 26 W.W.R. (NS) 645 (B.C.).
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Montreal Trust Co. v. Murphy (1966) 58 W.W.R. (NS) 430 (Sask.).
- Section 78** *Re Location Plans* (1913) 5 W.W.R. 413 (Sask.).
- Section 82** *Re New Westminster Sub-division* (1914) 5 W.W.R. 1253 (B.C.).
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Summer v. McIntosh [1918] 2 W.W.R. 293 (Sask.).
- Section 84** *In Re Capital Grocers Ltd. and Registrar of Land Titles* (1952) 7 W.W.R. (NS) 315 (Sask.).
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- Section 85** *Sheppard v. Godfrey* (1915) 9 A.L.R. 416.
- Section 86** *In Re Land Titles Act and Yukon Oils Ltd.* (1952) 7 W.W.R. (NS) 47 (Alta.).
Re Land Registry Act; Re Atlas Copco Canada Ltd. (1956) 20 W.W.R. (NS) 261 (B.C.).
- Section 88** *Veilleux v. The Boulevard Heights* (1914) 8 A.L.R. 16.
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Sheppard v. Godfrey (1915) 8 W.W.R. 999 (Alta.).
- Section 89** *Re Application of the Moose Jaw Securities, Ltd.* (1912) 3 W.W.R. 216 (Sask.).
Re Land Titles Act and Plan I (1913) 3 W.W.R. 1032 (Sask.).
- Section 97** *Re Land Titles Act; Re Northern Crown Bank* [1918] 1 W.W.R. 421 (Sask.).
Re Land Titles Act (1921) 2 W.W.R. 841 (Sask.).
Broersma v. Maier (1969) 72 W.W.R. (NS) 153 (Alta.).
- Section 98** *Tefler Bros. v. Fisher* (1910) 15 W.L.R. 400 (Alta.).
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- Section 99** *Warner v. Linahan* (1919) 14 A.L.R. 433.
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- Section 100** *Toronto Dominion Bank v. City of Saskatoon* (1967) 60 W.W.R. (NS) 360 (Sask.).
- Section 104** *Re North-West Telephone Co.* (1910) 12 W.L.R. 300 (Sask.).
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- Section 105** *Re Spokane and Eastern Trust Co.'s Mortgage* (1910) 15 W.L.R. 637 (Alta.).
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- Section 106** *In Re Tax Recovery Act; In re Banque Canadienne Nationale and Waterloo Machinery (Alta.) Ltd.* [1947] 1 W.W.R. 910 (Alta.).
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- Section 108** *Morguard Mortgage Investments Limited v. Faro Development Corporation et al.* [1975] 1 W.W.R. 737 (Alta.).
- Section 109** *Security Trust Co. Ltd. v. National Trust Co. Ltd.* [1928] 1 W.W.R. 687 (Alta.).
- Section 110** *Re Land Titles Act; Re Arrears of Taxes Act* [1918] 2 W.W.R. 938 (Sask.).
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Hungerbuhler and Manuel v. Maryland [1946] 1 W.W.R. 419 (Alta.).
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In Re Tone Mortgage (1954) 11 W.W.R. (NS) 646 (Sask.).
In Re Land Titles Act; In Re Hadwin (1954) 12 W.W.R. (NS) 414 (Sask.).

Puhacz (Pukacz) v. Wyrzykowski (1966) 59 W.W.R. (NS) 180 (Man.).

Re Simpson Estate (1970) 75 W.W.R. (NS) 736 (B.C.).

Loose v. Spruce Holdings and Investments Ltd. (1972) 23 D.L.R. (3d) 204 (Alta.).

Section 112 *Devenish and Devenish v. Connacher* [1929] 3 W.W.R. 355 (Alta.).

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Section 114 *Re Land Registry Act; Re Mandeville et al.* [1917] 1 W.W.R. 1522 (B.C.).

Re McCurdy Supply Co. Ltd. v. Doyle; Russell and Community Investments Ltd. (1956) 20 W.W.R. (NS) 125 (Man.).

Section 118 *Rollefson Bros. Co. v. Olson and Mutual Life Assurance* (1915) 8 W.W.R. 481 (Sask.).

Hyde v. Chapin & Co. (1915) 8 W.W.R. 820 (Alta.).

Matthewson Bros. and Mather v. Good [1927] 1 W.W.R. 728 (Sask.).

Incorporated Synod of Diocese of Huron v. Board of Trustees of Lethbridge Northern Irrigation District [1930] 2 W.W.R. 503 (Alta.).

Section 120 *B.C. Glass and Lumber Ltd. v. Kamlo Motels Ltd. and Levitsky* (1961) 36 W.W.R. (NS) 429 (B.C.).

Section 122 *Re Land Titles Act; Re Carrogher et al.* (1913) 3 W.W.R. 1034 (Sask.).

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- Section 161** *In Re Land Registry Act; Re Royal Trust Co.* (1912) 2 W.W.R. 867 (B.C.).
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