

question was, whether the British Columbia Workmen's Compensation Act, 1902, which is in terms identical with the English Workmen's Compensation Act, 1897, entitles the alien dependents of an alien workman, who was killed within the jurisdiction, to claim compensation under the Act for his death. The Court of Appeal of British Columbia held that it did not, but the Judicial Committee of the Privy Council (Lords Macnaghten, Atkinson, and Shaw), have reversed that decision. The Court below relied on *Tomalin v. Pearson* (1909) 2 K.B. 61, but their Lordships, while admitting that that case was well decided, consider it did not apply.

POSSESSION OF LAND BY MORTGAGEE—PAYMENT OF TAXES OF WILD LANDS—STATUTE OF LIMITATIONS — MORTGAGOR AND MORTGAGEE.

*Kirby v. Cowderoy* (1912), A.C. 599, appears to be a very important decision, and to upset some previous ideas as to the nature of possession required in order to acquire a title by possession. The facts were simple. By a mortgage made, July 1, 1889, certain wild land was mortgaged by the plaintiff to the defendant, neither party were in actual occupation but the defendant paid all the taxes as they fell due from 1889 until January, 1911, when the plaintiff commenced the present action for redemption. The defendant claimed to have acquired an absolute title under the Statute of Limitations. The Court of Appeal of British Columbia held that the plaintiff was not barred, and decreed redemption; but the Judicial Committee of the Privy Council (Lords Macnaghten, Atkinson, and Shaw), reversed the decision holding that the defendant by paying the taxes for over twenty years had had possession in the only way which was practicable in the circumstances. In Ontario it has been held (see *Re Jarvis and Cook*, 29 Gr. 303), that an actual visible occupation is necessary for the acquisition of a title by possession and that payment of taxes for 10 years by a person not in possession is not sufficient to bar a title under the Statute of Limitations.