

MORTGAGE—MORTGAGE OF LEASE OF TIED HOUSE—ATTEMPT TO  
MAKE MORTGAGE IRREDEEMABLE—INVALIDITY — MORTGAGOR'S  
RIGHT TO REDEEM NOTWITHSTANDING RESTRICTION.

*Fairclough v. Swan Brewery Co.* (1912), A.C. 565. This was an action by mortgagees to enforce a covenant in a mortgage. The mortgage was of a lease for twenty years of a tied house, and expressly provided that without the mortgagee's consent the mortgage debt should not be wholly paid off till a date within six weeks of the expiration of the lease. This period had not arrived, and the mortgagees brought action against the mortgagor for breach of covenant to buy beer exclusively from them, and for an injunction to restrain further breaches of the covenant, whereupon the mortgagor claimed the right to redeem, contending that the clause postponing his right of redemption was unreasonable and void. The Judge who tried the action gave effect to the mortgagor's contention; but the Supreme Court of Australia held that the restriction on redemption was not unreasonable, and reversed his decision. The Judicial Committee of the Privy Council (Lords Macnaghten, Atkinson, Shaw, and Mersey), agreed with the Judge at the trial, that the restriction was an undue clog on redemption and invalid, and that therefore the mortgagor, notwithstanding it, was entitled to redeem.

BRITISH NORTH AMERICA ACT, 1867—POLICY OF B.N.A. ACT—  
LEGISLATION AUTHORISING PUTTING QUESTIONS TO THE COURTS  
OF LAW INTRA VIRES OF BOTH DOMINION AND PROVINCES.

In *Attorney-General of Ontario v. Attorney-General of Canada* (1912), A.C. 571, the Judicial Committee of the Privy Council (Lord Loreburn, L.C., and Lords Macnaghten, Atkinson, Shaw, and Robson), have affirmed the power, both of the Dominion Parliament and Provincial Legislatures, to pass statutes authorising the Governments of the Dominion or Provinces respectively to refer questions to Courts of law subject to their respective jurisdictions for their opinion. Their Lordships point out that the Imperial Parliament had passed a similar Act empowering the Imperial Government to refer questions to the Judicial Committee of the Privy Council.

BRITISH COLUMBIA WORKMEN'S COMPENSATION ACT, 1902—CON-  
STRUCTION—NON-RESIDENT DEPENDENT OF ALIEN WORKMAN—  
RIGHT TO COMPENSATION.

In *Krzuz v. Crow's Nest Pass Coal Co.* (1912), A.C. 590, the