

The regulations regarding the leasing of school lands in the North-West Territories for coal mining purposes, made pursuant to sec. 47 of the Dominion Lands Act, provided a condition in such leases that, on default by the lessee to perform conditions of the lease, the Minister of the Interior should have power to cancel the lease by written notice to the lessee, whereupon the lease should become void, and the Crown might re-enter, repossess and enjoy its former estate in the lands.

Held, reversing the judgment appealed from (15 Ex. C.R. 252), Idington and Brodeur, JJ., dissenting, that, in order to determine such a lease, the notice should declare the intention of the Minister to make the cancellation on account of breach of the conditions, and the lessee should be given an opportunity to remedy the breach in question or, at least, to be heard before forfeiture. No proposed cancellation can be effective against the lessee unless such a notice has been given to him before the forfeiture is declared. *Per* Duff, J.—In the absence of special authority, solicitors employed by the lessee in respect of his business with the Department cannot be deemed agents to whom such notice of cancellation could be given on his behalf.

Per Idington and Brodeur, JJ. (dissenting).—The lease in question determined, under the statutory regulations, upon the mere fact of breach of conditions, and the Minister was not competent to revive it or to waive the consequences of default.

Per Brodeur, J.—By notification of his solicitors and the effect of the correspondence with the Department, which took place thereafter, it must be taken that the lessee had actual notice of the intention of the Minister to cancel the lease for breach of conditions.

Appeal allowed with costs.

W. N. Tilley, K.C., and J. F. Smellie, for appellant. R. G. Code, K.C., for respondent, the King. Lafleur, K.C., and Falconer, K.C., for respondents, the International Coal and Coke Co.

Ont.] TOWNSHIP OF CORNWALL P. OTTAWA AND [Feb. 14.
NEW YORK RAILWAY CO.

Appeal—Jurisdiction—Provincial tribunal—Consent of parties—Assessment—Railway bridge—Navigable river—R.S.O., 1914, c. 195, R.S.O., 1914, c. 186.

By the Ontario Assessment Act an appeal is given from a decision of the Court of Revision to the County Court Judge, with, in certain cases, a further appeal to the Railway and Municipal Board. Certain railway companies took an appeal direct