

that there is no presumption that a judgment contains a fair and full statement of all the matters upon which the judge is adjudicating; but that that is a question to be proved by evidence.

CANAL COMPANY—MINES UNDER, OR NEAR, CANAL—COMPENSATION FOR NOT WORKING MINES—RIGHT OF ACTION FOR INJURY TO CANAL.

*Knowles v. Lancashire & Yorkshire Railway Co.*, 14 App.Cas. 248, we noted ante vol. 24, p. 171, when before the Court of Appeal as *Lancashire & Yorkshire Railway Co. v. Knowles*, 20 Q.B.D. 391. The House of Lords affirm the decision of the Court of Appeal. It may be remembered that by an Act empowering a company to make a canal, it was provided that nothing in the Act should affect the right of any owners of lands to the mines and minerals under the lands to be made use of for the canal, and that it should be lawful for the owners to work the mines, not thereby injuring the canal. By another section it was provided that the canal company might treat and agree with the owners for any minerals necessary to be left for the security of the canal, and if they could not agree compensation was to be fixed by certain commissioners. Certain owners of minerals having notified the canal company that they intended to work the minerals under the canal the company refused to treat or pay any compensation therefor, and the owners then went on and worked the minerals, and thereby injured the canal; and the question was whether they were liable for such injury, and it was held that they were, and that they should have proceeded under the Act to obtain compensation.

MORTGAGOR, AND MORTGAGEE—TENDER—DETINUE—REMEDIES OF MORTGAGOR ON REFUSAL OF TENDER.

*Bank of New South Wales v. O'Connor*, 14 App.Cas. 273, disposes of a question on the law of mortgage of general interest. The plaintiff was a mortgagor, and having, as he claimed, made a legal tender of the mortgage debt to the mortgagee which was refused, brought the present action of detinue to recover his title deeds. The Judicial Committee of the Privy Council reversed the Supreme Court of New South Wales, and held that the action would not lie and that the plaintiff's only remedy was a suit for redemption, a tender improperly rejected not being equivalent to payment.

CROWN GRANTS OF LAND—RESERVATION IN PATENT OF RIGHT TO RESUME PART OF LAND GRANTED.

*Cooper v. Stuart*, 14 App.Cas. 286, though a decision under the law of New South Wales seems nevertheless to involve a question of interest in this Province. The question involved in the case was as to the validity of a reservation contained in a Crown grant of a right to the Crown to resume any quantity of the land granted, not exceeding ten acres, as may be required for public purposes. Similar reservations may be found, we believe, in many old patents issued in this province. It was contended that the reservation was repugnant to the grant, and therefore void; but the Judicial Committee held that it was not, but that when the resumption took effect it operated as a defeasance. Their Lordships also held that whether or not the Crown in England would be affected by the