

BRITISH COLUMBIA—MINING LEASE—PROVISO FOR FORFEITURE
OF LEASE—VOIDABLE, NOT VOID.

Quesnel Forks G. M. Co. v. Ward (1920) A.C. 222. Is also an appeal from the Court of Appeal of British Columbia and involved the construction of a mining lease which provided "if the said lessee shall cease for the space of two years to carry on mining operations upon such premises, then this demise shall become absolutely forfeited, and these presents and the term hereby created, and all rights, privileges and authorities hereby granted, shall *ipso facto*, at the expiration of the times aforesaid, cease and be void as if these presents had not been made." The lessees had in fact ceased for two years to carry on mining operations, but rent was accepted by the Crown (the lessor) after the alleged cause of forfeiture was complete. The Quesnel Company were entitled to the benefit of seven placer mining leases covering the same ground as the lease, and if the lease was no longer subsisting there was no question as to the plaintiff's title. The action was brought by them against the defendants who claimed under the lease and contended that it was still subsisting. This depended on the construction of the forfeiture clause above referred to. Macdonald, J., who tried the action gave judgment for the plaintiff company, but the Court of Appeal reversed his decision, the Chief Justice dissenting: The Judicial Committee of the Privy Council (Lords Haldane, Buckmaster and Dunedin, and Duff, J.) affirmed the judgment of the majority of the Court of Appeal; their Lordships holding that the true effect of the forfeiture clause was to make the lease voidable at the option of the lessor, and, the lessor not having exercised the option, the lease was still subsisting.

ONTARIO—LEGISLATIVE POWER—SEPARATE SCHOOLS—APPLICATION
OF FUNDS BY INVALID COMMISSION—VALIDATION BY
STATUTE, 7 GEO. 5, CH. 60, ONT.—B.N.A. ACT, SEC. 93 (1).

Trustees of R.C. Separate Schools v. Quebec Bank (1920) A.C. 230. This was an appeal from the Supreme Court of Ontario, 43 O.L.R. 637. The case arose out of the Separate School controversy in Ottawa and the question for decision was whether or not the Provincial Act, 7 Geo. 5, ch. 60, was *intra vires* of the Ontario Legislature, and the Judicial Committee (Lords Haldane, Buckmaster and Dunedin, and Duff, J.) have affirmed its validity and dismissed the appeal.