

which the Indian title was a mere burden." The ceded territory was at the time of the union land vested in the Crown subject to "an interest other than that of the Province in the same," within the meaning of sect. 109 (of the B.N.A. Act) and must now belong to Ontario in terms of that clause." With regard to the effect of the treaty of cession in 1873, which it was claimed amounted to a conveyance of the Indian title to the Dominion Government, he says: "Even if its language had been more favourable to the argument of the Dominion upon this point, it is abundantly clear that the commissioners who represented Her Majesty, whilst they had full authority to accept a surrender to the Crown, had neither authority nor power to take away from Ontario the interest which had been assigned to that Province by the Imperial Statute of 1867." Whilst Ontario is declared entitled to the territory in question it has also to assume the liabilities incurred to the Indians as a consideration for the surrender of their interest.

MORTGAGE—PROVISO FOR REDEMPTION—CONSTRUCTION—CONVEYANCE, TERMS OF.

The short point decided by the Judicial Committee in *Plomley v. Felton*, 14 App. Cas. 61, was simply this, that when tenants in tail under a will joined in a mortgage, thereby barring the entail, but the proviso for redemption was that the reconveyance was to be made to the mortgagors respectively according to their "original respective estates and interests," the parties were entitled to a reconveyance of the estates as originally created by the will and not as altered for the purposes of the mortgage. The mortgaged estate had been sold and the contention arose between the parties claiming to be entitled to the surplus after payment of the mortgage; and the effect of their Lordships' decision is, that the surplus is subject to the limitations of the will, under which the mortgagors acquired their title.

LAW OF HONDURAS—MORTMAIN ACT, 9 GEO. 2, C. 36—INTRODUCTION OF ENGLISH LAW.

It is only necessary to notice *Jex v. McKinney*, 14 App. Cas. 77, for the fact that the Privy Council have approved and adopted the decision of the House of Lords in *Wicke v. Hume*, 7 H.L.C. 134, holding that on the true construction of the Act of the Colony of Honduras introducing English law, that while the Mortmain Act (9 Geo. 2. c. 36), was included in the description of laws thereby introduced, yet its provisions do not satisfy the prescribed condition of being applicable to the colony, and therefore it was not in force. A long train of decisions of our Courts have, however, held the contrary to be the case in Ontario (see *Lisscomb v. Whitby*, X Gr. 1).

Notes on Exchanges and Legal Scrap Book.

THE ENGLISH BENCH.—Field, J., has sent in his resignation; Manisty, J., will shortly do the same. We are sorry to hear Huddleston, B., cannot remain much longer; Pollock, B., and Denman, J., are known to contemplate retirement; the end of the Special Commission will probably see the elevation of Sir