

REDEMPTION—POWER OF SALE—DUTY OF MORTGAGEE—INADEQUACY OF PRICE—NO CHARGE OF COLLUSION AGAINST PURCHASERS—PLEADINGS.

*Haddington Island Quarry Co. v. Huson* (1911) A.C. 722. This was an action of redemption, the plaintiffs alleging that a sale of the mortgaged property under a power of sale was invalid, by reason of the alleged inadequacy of the price obtained. The Court of Appeal of British Columbia had held the sale bad, and given judgment for redemption; but the Judicial Committee of the Privy Council (Lords Macnaghton, Shaw, Mersey, DeVilliers, and Robson) reversed the decision, as it appeared that the pleadings contained no allegation that the purchasers were in any way guilty of fraud, collusion or bad faith, and that there had been no notice to the defendants before trial that inadequacy of price would be relied on, and the court of first instance had found the sale to have been valid and regular. In these circumstances their Lordships held the judgment at the trial ought not to have been reversed, and that the omission of the defendants to produce counter evidence as to the adequacy of the price, did not justify a finding that the sale was fraudulent.

EXTRADITION—R.S.C. c. 155, s. 10—REQUISITION FOR ARREST—EVIDENCE.

*Attorney-General for Canada v. Fedorenko* (1911) A.C. 735. The Chief Justice of Manitoba had, on the sworn information of a police officer, issued his warrant for the committal of the defendant on a charge of murder, for the purpose of extradition under the Extradition Act (R.S.C. c. 155) s. 10. The defendant subsequently applied to be discharged and his application was granted by Robson, J., on the ground that there had been no evidence before the Chief Justice of any diplomatic requisition for the extradition of the defendant, without which he held the defendant could not be legally committed under the Act; but the Judicial Committee of the Privy Council (Lord Loreburn, L.C., and Lords Haldane, Macnaghten, Shaw, DeVilliers, and Robson) held that the warrant for committal was properly issued by the Chief Justice under the statute, and that proof of the diplomatic requisition was unnecessary, and that the statute in no way contravened the treaty with Russia, under which the extradition was sought.

CANADIAN RAILWAY ACT, 1903, SS. 42, 242—ACTION FOR DAMAGES—REMOVAL OF SIDING—RAILWAY BOARD'S FINDING OF FACT—EVIDENCE—LIMITATION OF ACTION.

*Canadian Northern Ry. v. Robinson* (1911) A.C. 739. This was an action brought by Robinson against the railway company