

applications, that advertisements shall be published. The applicant had inadvertently omitted to advertise. The Judicial Committee decided that it had no power to dispense with the express provisions of a statute, and refused the application.

SPECIAL LEAVE TO APPEAL—COLONIAL STATUTE.

In *Tilonko v. Attorney-General* (1907) A.C. 461 an application was made to the Judicial Committee of the Privy Council for special leave to appeal from a decision of the Supreme Court of Natal. But it appearing that the question sought to be raised on the appeal had been settled by a colonial statute, the application was refused, it not being considered within the province of the Board to discuss or consider the policy, expediency or wisdom of a statute, or to do anything beyond deciding whether the Act applies.

BRITISH COLUMBIA—POWERS OF LOCAL LEGISLATURE—VANCOUVER ISLAND SETTLERS' RIGHTS ACT, 1904—CONSTRUCTION—B.N.A. ACT, s 22(10).

McGregor v. Esquimalt & Nanaimo Ry. (1907) A.C. 462 strikes us as a somewhat peculiar case. The facts appear to be as follows. By an Act of the Legislature of B.C., 47 Vict. c. 14, the lands in question, with other lands, were vested in the Dominion Government for the purpose of being granted to the defendant railway as an aid to its construction. At that time there were settlers on this railway belt of whom the appellant was one, no provision appears to have been made protecting their rights. The Dominion Government granted the lands in question with others to the respondents as intended on 21st April, 1887. In 1904 the Legislature of British Columbia passed the Vancouver Island Settlers' Rights Act, whereby it was provided that those settlers within the railway belt prior to the Act 47 Vict. c. 14, should be entitled to grants in fee simple of the lots of which they were in possession, and under this latter Act a grant of the lot in question was made to the appellant. It seems to have been conceded that the appellant was entitled under this grant to the surface rights of the lot, but the respondents claimed that they were entitled to all mines and minerals on the lot. The patent issued under the Act of 1904 contained no reservation of mines and minerals. Martin, J., who tried the action held that the Act of 1904 was within the powers of the local