

the debtor to the creditor, must be limited in its scope to transfers of considerations other than money, such as bills, notes or goods.

*Quere*, whether, if the plaintiff had been held entitled to the relief asked for, Gault Bros. would then have had the right, under s. 46 of the Act, to have restored to them the claim they had previously held against a surety for the insolvents, it being urged that the discharge of the insolvents discharged the surety also.

*Haggart*, K.C., and *Hoskin*, for plaintiff. *Aikins*, K.C., for defendants.

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## Province of British Columbia.

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### SUPREME COURT.

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Hunter, C.J.]

EMERSON v. SKINNER.

[May 30.]

*Construction of statute—Crown—Maxim "nova constitutio futuris, etc."*

On an application to discharge an order of replevin taken by plaintiff whereby certain logs had been seized by defendant, purporting to act under authority of recent legislation, relative to timber cut on Crown lands known as the Timber Manufacturing Act, 1906. Sec. 2 of that Act is as follows: All timber cut on ungranted lands of the Crown or on lands of the Crown which shall hereafter be granted, shall be used in this Province or be manufactured in this Province into boards, joists, shingles, etc.," and by s. 4 the Chief Commissioner of Lands and Works and his officers or servants and agents are empowered to do all things necessary to prevent the breach of s. 2, and for that purpose to make seizures and detain all timber so cut and every steamboat towing the same, where it appears to the Chief Commissioner that it is not the intention of the lessee or licensee, owner or holder or person in possession of the timber, to manufacture the same within the Province, and where a seizure is made it is provided that the onus of shewing the timber seized is not subject to the provisions of the Act. The logs seized were admittedly cut before the passage of the Act and the question arose whether