

domain of the Dominion Parliament has a certain superficial plausibility. But it is only necessary to recur, from a slightly different standpoint, to the considerations already dwelt upon in order to understand its inherent ineffectiveness. As Mr. Justice Street very pertinently points out, the Provincial Parliament and Provincial officials are here dealing with the property of the political entity of which they are the legislative and the executive agents. That the provision of the British North American Act relating to the regulation of trade and commerce is applicable only to private property, and was not intended to trench upon the prerogative powers of the Provinces, can hardly, we think, be disputed. There is nothing to prevent the Ontario Parliament from enacting that the cutting and manufacture of timber shall be a State industry, operated by its own employes, and determining, as an incident of such operation, the stage of manufacture at which such employes shall be permitted to export the timber. This would, in a certain sense, amount to a regulation of trade and commerce, but manifestly such legislation is essentially nothing more or less than a declaration of the will of the State that its property shall be disposed of in a certain manner. And if the Provincial Parliament has the right to prescribe that government employees, in the conduct of the business of the State, shall comply with a "manufacturing condition," it seems wholly unreasonable, not to say absurd, to argue that, if it chooses to delegate its rights as regards the cutting of timber to private persons, it may not impose upon them a similar condition.

THE SAW LOG CASE.

SMYLIE V. THE QUEEN.

As our readers are doubtless aware the judgment of Mr. Justice Street on the petition of right presented by certain American holders of timber licenses in the Province of Ontario claiming the right to export saw logs upon the conditions stated in the licenses at the time of the purchase of the limits, uncontrolled by any conditions inserted in subsequent renewals of the license, was against the petitioners upon all the points submitted. That the case was ably argued may be assumed from the fact that Mr. Christopher Robinson, Q.C., was leading counsel for the suppliants, and that Mr. S. H. Blake, Q.C., led for the Ontario Government.