

particular place it is made payable, not necessarily, as against the maker, on the day of its maturity, nor indeed, before suit; but if presentment is not made before suit, the costs being in the discretion of the Court, the maker will be protected from costs should, for instance, the funds to meet the note have been duly placed by him at the place named."

This view of the section recognizes that it was intended to change the law in one particular only, namely as to presentment before suit, but at the same time so protecting the maker that at most he would be required to pay the debt without costs, if there was no default on his part: see also *Union Bank v. MacCullough*, 7 D.L.R. 694, 4 A.L.R. 371.

The question was raised before the Court of Appeal in Manitoba, in *Robertson v. Northwestern Register Co.*, 19 Man. L.R. 402, without conclusive result, Richards, J.A., holding that the action failed because of non-presentment before action, Cameron, J.A., holding that presentment was not essential, and Perdue, J.A., holding that presentment was sufficiently proved in fact.

Province of British Columbia.

SUPREME COURT.

Hunter, C.J.]

[15 D.L.R. 189.

RE THIRTY-NINE HINDUS.

Deportation—Immigration restrictions—Asiatics from British territory—Asiatic "origin" or Asiatic "race"—Jurisdiction—Habeas corpus.

1. Where a statute authorizes the regulation of the immigration of persons of the "Asiatic race" by orders-in-council, an order-in-council purporting to regulate the immigration of persons of the "Asiatic origin" is ultra vires as exceeding the statutory authority, the words "Asiatic origin" being wide enough to include persons of the British race born in Asia who would not be within the words "Asiatic race" used in the statute.

2. Where a person is ordered to be deported out of the country, the reason for the deportation should be clearly stated in the order, and it is not a compliance merely to refer, under the heading of "reasons," to the section number of the statute under which the order purported to be made.

3. A discharge on habeas corpus may be ordered in respect of a deportation order against Asiatics under an order-in-council which exceeds in its scope the powers conferred by Parliament;