

The Supreme Court of Canada in *Blackburn v. McCallum*, 33 S.C.R. 3, held that a restraint against all alienation cannot be made valid by limiting the time within which the restraint is to be effective; and it is possible to argue that a restraint of all alienation except by will comes within that decision, because it is virtually a restraint against all alienation limited to the lifetime of the devisee; but we are not aware that there has been any judicial decision binding on our Courts to that effect. On the other hand, it may be reasonably contended that this is not a total, but only a partial restraint against alienation, and therefore not within the rule laid down in *Blackburn v. McCallum*.

The question is one which, having regard to the cases, seems to be in an extremely unsatisfactory condition.

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LORD DURHAM.

Among all the statesmen of England there is none to whom Canada and all our colonial possessions owe a deeper debt of gratitude than to the first Earl of Durham. The problem of how best to govern the overseas possessions of Great Britain was in his day one still awaiting a satisfactory solution and it was one that was ultimately mainly solved by the adoption of his suggestions.

In 1838, when he came to Canada to make inquiry for a report on the political conditions of the country, there had been recent rebellion against the constituted authorities, both in Upper and Lower Canada; and the great difficulty that British statesmen had to contend with was the fact that while the colonists were supremely dissatisfied with their political condition neither they nor the statesmen of Great Britain had any clear ideas as to what was the proper remedy for their discontent.

The system theretofore prevailing in both the Canadas was shortly this: the Governor of the Province was more or less autocratic, but he appointed an Executive Council whose advice he might accept or reject as he pleased. This Council was considered to be responsible solely to the Governor. The legislative authority was vested in an Upper and Lower House; the members of the