

of law arising under the Sales of Goods Act 1893 (56 & 57 Vict. c. 71), which, as has been said before, is mainly declaratory of the common law. The respondents, Barclay & Co., agreed to build two ships for an Italian firm, according to specifications, and under the superintendence of an agent appointed by the Italian firm, for a certain price, payable by instalments, some of which were to be paid during the progress of construction, but delivery of the ships was not to be considered to be completed till they had passed trials at Greenock, and off the Italian coast. Before the ships were fully completed, but after several instalments of purchase money had been paid, the vessels were seized in Scotland at the instance of creditors of the Italian firm, but, on the application of the builders, the Scotch Court of Session recalled the arrest. The House of Lords (Lord Loreburn, L.C., and Lords Halsbury, Macnaghten, Hereford, Robinson and Atkinson) affirmed this decision on the ground that under the contract the property in the ships was not intended to pass until the ships had been completed and passed the specified trials.

BRITISH NORTH AMERICA ACT, s. 91(29); s. 92(10)—DOMINION RAILWAY ACT 1888, ss. 187, 188, INTRA VIRES—R.S.C. 1886, c. 1, s. 7(2)—“PERSON.”

*Toronto v. Canadian Pacific Ry.* (1908) A.C. 54 was an appeal by the City of Toronto from a judgment of the Court of Appeal for Ontario, whereby it was determined that the city was bound to pay the amount apportioned by the Railway Committee under ss. 187 and 188 of the Dominion Railway Act 1888, as its share of the cost of the protection of the public in traversing certain level crossings of the Canadian Pacific Railway at points within the city limits. On behalf of the city it was contended that the Dominion Parliament had no power to enact any legislation which would have the effect of imposing any pecuniary charge upon the city because it was not subject to the legislative jurisdiction. It was conceded that the defendant railway was a work within the jurisdiction of the Dominion Parliament, but it was claimed that the city was subject to Provincial legislation, and could only be authorized; or required to spend money by the Provincial Legislature. Counsel for the city also urged that the city was not “a person” interested within the meaning of section 188. The Judicial Committee (Lords Robertson and Collins, and Sir A. Wilson and Sir A.