

of such subsequent grants. Judgment appealed from (10 Ex. C.R. 390) reversed, DAVIES and IBINGTON, JJ., dissenting.

DAVIES, J., dissented on the ground that there was no sufficient allegation in the petition either of interference with the submerged beds or bars of the stream, which alone were included in the dredging lease, or of such active interference by the Crown as would justify an action. Appeal allowed with costs.

Shepley, K.C., for suppliant. Chrysler, K.C., for respondent.

Alta.]

LAFFERTY v. LINCOLN.

[May 7.

*Constitutional law—Legislative jurisdiction—Con. Ord. N.W.T. c. 52—6 Edw. VII. c. 28 (Alta.)—Medical profession—Practising without license.*

Prior to the erection of the Province of Alberta by the "Alberta Act," 4 & 5 Edw. VII. c. 3 (D) "The College of Physicians and Surgeons of the North-West Territories," was incorporated under the "Medical Profession Ordinance," c. 52 of the Consolidated Ordinances of the North-West Territories, and its members had the exclusive right to practice medicine and surgery for gain and reward in the North-West Territories of Canada. By the effect of s. 16 (3) of the "Alberta Act" the college was continued in existence, subject to being "dissolved and abolished by order of the Governor in Council." No Order in Council was passed to dissolve or abolish the college, but, by the "Medical Profession Act" of Alberta, c. 28 of the statutes of 1906, the "College of Physicians and Surgeons of the Province of Alberta" was incorporated, provision made for the registration of members of the "College of Physicians and Surgeons of the North-West Territories," and of other persons, as members of the "College of Physicians and Surgeons of the Province of Alberta," giving members so registered the exclusive right to practice medical-surgery, etc., for gain or reward in the Province of Alberta, and prohibiting unregistered persons from so practising under a penalty. The respondent was a duly registered member of the "College of Physicians and Surgeons of the North-West Territories," but neglected to register as a member of the "College of Physicians and Surgeons" of the Province of Alberta, and continued to practice medicine, surgery, etc., without the qualification and license