

THE PRIVY COUNCIL DECISION.

The full text of the Privy Council's decision in the John Deere Plow case, which has now been received, justifies generally the inferences drawn from the cabled summary as to the effect and importance of the decision, while at the same time it makes clear what has not before appeared, the attitude of the Judicial Committee towards questions of this kind. The question to be decided in the present case, was whether it is competent for the province of British Columbia to legislate so as to interfere with the carrying on of business in the province by a Dominion Company under the circumstances stated. The Judicial Committee of the Privy Council decided this point in the negative, while stating that it might be competent to the legislature to pass laws applying to companies without distinction and requiring those that are not incorporated in the province to register for certain purposes, such as the requiring of information. It is, however, to be noted that in discussing the interpretations of the sections of the British North America Act concerned, the Judicial Committee affirmed the necessity of confining decisions to concrete questions which have actually arisen in circumstances the whole of which are before the tribunal, and reaffirmed a previous opinion to the effect that in discharging the difficult duty of arriving at a reasonable and practical construction of the language of the sections, so as to reconcile the respective powers they contain and give effect to them all, it is the wise course to decide each case which arises without entering more largely upon an interpretation of the statute than is necessary for the decision of the particular question in hand. That is to say, the John Deere Plow decision is satisfactory so far as it goes, but there is the direct warning of the Judicial Committee that it is only a decision on the particular circumstances in question and that it cannot be used as a general analogy to apply to circumstances which are somewhat but not quite similar.

THE "COMPANIES' CASE."

It is interesting also to note that the members of the Judicial Committee have studied in connection with this case the opinions given by the Supreme Court of Canada in regard to the abstract questions generally known as "the companies case" submitted to the Court last year, and an appeal from which to the Judicial Committee is now being carried by the Dominion Government. The Judicial Committee state that the task given the Supreme Court of Canada and now to be given to them, was an impossible one, owing to the abstract character of the questions put. This opinion having been so forcibly expressed it would seem to be the part of wisdom not to expect too much from the decision in "the companies case," which is shortly to be argued before the Judicial Committee. The John Deere Plow case has settled one point, the right of the Dominion to incorporate com-

panies whose operations a provincial government cannot materially restrict. Possibly instead of getting a general ruling on the abstract questions comprising "the companies case," it will require manifold decisions in further concrete cases to get the varying powers of the Dominion and the provinces closely defined.

A WARNING TO MUNICIPALITIES.

Canadian municipalities who are afflicted with the idea that they can run practically everything without the bounds of their municipality better than private enterprise can run it should con over a newly published report by Commissioner Harrison, who is in charge of the public utilities of Edmonton. Mr. Harrison states in regard to the street railway which is run by the municipality that before it begins to show a profit it must earn not less than \$2,335 per day or must carry at least 47,000 passengers per day to pay expenses. At the present time the street railway is carrying on the average 32,000 passengers per day, and is losing at the rate of \$500 to \$800 per day. Mr. Harrison adds to this by no means cheerful information that he finds that the system is over-capitalised, that there are twice as many miles of track per thousand of population as in any other city in the Dominion, and in many instances four times as many miles. In other words, the system has been extended far more rapidly than good business practice would warrant. Mr. Harrison suggests the appointment of a civic committee to look into this matter, with a view to reducing operating and power charges, and advocates a refusal to extend the tracks further into territory which does not pay.

This report suggests that Edmonton's tramway policy has hitherto been governed by the maxim of not wisely but too well. It can hardly make comfortable reading for holders of the city's bonds, whether in Canada or abroad. Instances of Canadian municipal un wisdom are too numerous for any additions to their number to be desired. This kind of thing cannot but have an injurious effect upon the credit of Canadian municipalities abroad, since the impression is given that the municipalities are run on unbusiness-like lines, banking on the future. Finance which does that, whether public or personal, is bound to come a cropper sooner or later. Other municipalities may well take heed from Edmonton's experience.

INSURANCE TAXATION IN ONTARIO.

A Quebec City correspondent enquires if municipal authorities in the province of Ontario impose taxes on the insurance companies. They do; the taxes varying with the amount of assessment required by the municipality.

But little damage from fire resulted in the month of October in Saskatoon. The fire brigade responded to 7 calls during the month; the total fire loss was \$438.