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SCHOOL RESERVES IN BRITISH COLUMBIA.

A very interesting question arose recently in the Supreme Court of British Columbia as to the exact legal import of the action of a Provincial Government in placing a "reserve" on certain lands within the province.

The question arose in this way. In 1872 a proclamation was gazetted reserving two half sections of land in the Comiaken district of Vancouver Island for school purposes; in 1884 a grant was made by Act of the Legislature of British Columbia to the Esquimalt and Nanaimo Railway of a large tract of land, geographically including these two half sections, the Act containing a section, exempting from the scope of the grant "any lands now held under Crown grant, lease, agreement for sale, or other alienation by the Crown." The railway company maintained that the two half sections reserved for school purposes fell within the grant and did not fall within the words of the exception.

An Act passed in 1882 had enacted that "no public school reserve should be alienated without the consent of the trustees of the school district in which such reserve is situate."

The Attorney-General of the province sued for a declaration that the two half sections had not passed to the railway company. It was contended on behalf of the Government that (1) the school reserves could not pass under the general words of the grant, (2) if they could so pass they clearly fell within the scope of the exception.

In support of the first submission it was pointed out that the principal act, making the grant, must be either a public or a private act (no distinction having been drawn in the days when the act was passed between these two classes); that if it were a public act, the maxim generalia specialibus non devogant would apply, as exemplified in the cases *Williams* v. *Pritchard*, and