

to take up the subject and discuss it with its usual ability in some future number. We say nothing as to any rights or remedies English authors may have as to preventing the sale of this series in Canada. If they have any such rights they must come forward and enforce them, or expect the matter to go against them by default.

LEGAL ASPECT OF DISALLOWANCE IN OLD MANITOBA.

THE issue of this journal, of the first of December, contains an article entitled, "Disallowance—Manitoba and the North-West," contributed by "W." This article has attracted considerable attention in Manitoba, though the interest aroused by it was not due so much to its intrinsic merit, as to the manner in which the writer promulgated arguments which, it is submitted, have long been abandoned by even those who most warmly espouse the cause of monopoly. Two contentions were made. One, that in reference to the Red River Valley Railway Act, was as follows: "The Provincial Act seems to have been beyond the powers of the Provincial Legislature under s. 94 (92?) of the B. N. A. Act; (a) as relating to a railway 'extending beyond the limits of the Province,' if not according to the letter, certainly according to the spirit of the said section, which expressly applies to railways connecting one province with another, and could hardly be intended not to apply to a railway connecting, as this was avowedly intended to do, a province with a foreign country. Sec. 91 of the B. N. A. Act, expressly subjects ferries between a province and any foreign country to the exclusive jurisdiction of the Dominion Parliament; and for good reason, any such ferry (and a portion of any such railway as that in question) requiring attention and regulation by the Dominion Customs Department."

The section of the B. N. A. Act referred to (92, not 94) is as follows:—

"XCII. In each province the Legislature may exclusively make laws in relation to matters coming within the classes of subjects next hereinafter enumerated, that is to say: . . .

"(10) Local works and undertakings other than such as are of the following classes:

"(a) Lines of steam, or other ships, railways, canals, telegraphs, and other works and undertakings connecting the province with any other or others of the provinces, or extending beyond the limits of the province;

"(b) Lines of steamships between the province and any British or foreign country;

"(c) Such works as, although wholly situate within the province, are before or after their execution declared by the Parliament of Canada to be for the general advantage of Canada, or for the advantage of two or more of the provinces."

The Red River Valley Railway did not come under (c) because it was not "declared by the Parliament of Canada to be for the general advantage of Canada, or for the advantage of two or more of the provinces;" the reverse, if