

Legislature as being in relation to property and civil rights within the meaning of B.N.A. Act, s. 92(13), and the grant made thereunder was valid. The Supreme Court of British Columbia, however, reversed his decision, considering the Act of 1904 ineffectual to divest the rights of the respondents under the grant from the Dominion Government. The Judicial Committee (the Lord Chancellor, Lords Halsbury, Ashbourne, Macnaghten, and Collins, and Wilson and Wills, Knts.) have reversed the decision of the Supreme Court of British Columbia and hold the Act of 1904 to be *intra vires*; and the respondents' railway as being a purely local undertaking within the jurisdiction of the local Legislature under B.N.A. Act, s. 92 (10). The result seems to be that land granted by the Crown as a subsidy to a railway undertaking, may afterwards be taken away from the railway and given to someone else by a subsequent statute. The only justification for such a course, however, would appear to be the fact, as in the present case, that the subsequent grantee had at the time of the prior grant some equitable claim to the land in question which had not been protected. One would imagine, however, that in such circumstances the railway, thus deprived, would have an equitable claim to compensation against the Crown.

ELECTRIC LIGHT — STATUTE — CONSTRUCTION — PREFERENCE —
EQUALITY.

Attorney-General v. Melbourne (1907) A.C. 469. This was an appeal from the High Court of Australia. By an Australian statute the respondents were empowered to supply electricity within the City of Melbourne. The Act provided that every person within the area of the city should be entitled to a supply on equal terms and that no preference should be given to any person. The respondents gave customers an option to take electricity under two different systems of charge—one at a fixed rate and the other at a rate varying with the amount consumed. The High Court held that this was not a contravention of the provisions above referred to, and the Judicial Committee of the Privy Council (the Lord Chancellor, and Lords Macnaghten, Atkinson and Collins, and Sir A. Wilson) affirmed their decision. The preference prohibited being as between customers dealing under the same system and not as between customers dealing under different systems.