It was not necessary in the above case to decide what the Bishop's rights would have been had there been a consultation within the meaning of the canon, for it was held that there was no such consultation, the matter having been discussed by correspondence. We would, however, venture to think that notwithstanding the strength of the word "consult" and the argument that its use precludes the thought of the consultation being an empty form—a mere interview—that nevertheless the wording of the canon is too definite and positive to be overcome, and that the Bishop, if he so chooses, may exercise his own judgment, even in contravention of the wishes and opinion of the representatives of the congregation.

THE MANUFACTURING CONDITION IN LICENSES TO CUT PINE TIMBER.

We publish elsewhere a brief statement of the effect of the elaborate judgment in which Mr. Justice Street recently upheld the validity of the provincial legislation, prescribing that licenses to cut pine timber on Crown lands shall be issued subject to the conditions that the logs shall be manufactured into sawn lumber in Canada. (*Smylie* v. *The Queen*, post p. 761). The case will presumably be carried up to the higher courts, and until the Privy Council has finally determined the question at issue, the present settlement of the rights of the parties concerned can only be regarded as provisional. But as the claims of the petitioners were presented by the ablest constitutional lawyer in the Dominion, it may reasonably be supposed that very little that could possibly be urged in their behalf was left unsaid, and that any arguments which may hereafter be offered to sustain their position will differ rather in form than in substance from those which were submitted to Mr. Justice Street. This circumstance will perhaps serve as a sufficient justification for making a few comments upon the case which would otherwise seem somewhat premature.

As the provisions of the Order in Council of Dec. 17th, 1897, by which the "manufacturing condition" was first imposed were subsequently ratified by an Act passed a month later by the Ontario Parliament, the doctrine laid down in *L'Union St. Jacques* v. *Belisle*, L.R. 6 P.C. 31, and kindred decisions, necessarily debarred the petitioners from impugning the validity of the condition merely