

ENGLISH CASES.

EDITORIAL REVIEW OF CURRENT ENGLISH DECISIONS.

(Registered in accordance with the Copyright Act.)

FISHERIES CASE—B.N.A. ACT, ss. 91, 92, 108—RIVERS AND LAKE IMPROVEMENTS—“PUBLIC HARBOURS”—FISHERIES AND FISHERY RIGHTS—R.S.C., c. 92, c. 95, s. 4—R.S.O., c. 28, s. 49—55 VICT., c. 10 (O.)

The judgment in the case of *Attorney-General of Canada v. Attorney-General of Ontario* (1898) A.C. 700, has already been fully reported by us (see ante vol. 34, p. 451) we would therefore only here remark that their Lordships seem to lay it down that whenever any subject is exclusively assigned to the Dominion, all power of a Provincial legislation on the subject is excluded. A contrary view, they hold, would enable the Provinces to enact a bankrupt or a copyright law, unless and until the Dominion had legislated on those subjects, but their Lordships do not think the Provinces have any power to legislate at all on such subjects. This may seem somewhat to conflict with the view previously entertained, under which such enactments as the Creditors' Relief Act and the Assignment and Preference Act of Ontario have been held to be intra vires of the Provincial Legislature and may perhaps serve to re-open discussion as to the validity of such enactments. It is true their Lordships refer to their former decision *Attorney-General of Canada v. Attorney-General of Ontario* (1894) A.C. 189, and uphold it on the ground that the Assignment and Preference Act was held to be not strictly a Bankruptcy Act, but merely dealt with a matter which would be properly auxiliary to such an Act. The province of Provincial legislation in regard to fisheries, their Lordships hold, is restricted to the regulation of the mode of tenure, conveyance and succession, and the terms on which fisheries or rights of fishing may be granted or leased by the Province so far as such matters come under the head of “The management and sale of Public Lands,” or “Property and civil rights.” R.S.C., c. 92, is declared to be intra vires.

STATUTE OF LIMITATIONS—21 JAC. 1, c. 16—A CONTINUING GUARANTEE—APPROPRIATION OF PAYMENTS—INTEREST WHERE RECOVERABLE AS PRINCIPAL—BANKING ACCOUNT—INTEREST CONVERTED INTO PRINCIPAL—APPEAL ON QUESTION OF FACT.

Parr's Banking Co. v. Yates (1898) 2 Q.B. 460, is a somewhat important decision in reference to the Statute of Limitations (21