

The work contains, not merely law, but good practical suggestions upon the conduct of sales, making at once a handbook and a book of reference. Undoubtedly, there has been hitherto in this respect a *hiatus valde defensus* in the legal library, and the author has been fortunate in his choice of a subject, which will at once engage the attention of every practitioner. We think, moreover, that those who are led by their interest in the subject to examine the volume will find much to reward the time they spend in perusal, which will be none the less pleasant in that the style is good and the sentences almost epigrammatic. The author has evidently taken great pains with his work, which is excellently done, and will recommend itself to the profession by its own merits.

Correspondence.

MANITOBA SCHOOL CASE.

To the Editor of THE CANADA LAW JOURNAL:

SIR,—I have seen no article in THE LAW JOURNAL on the legal aspect of the questions resulting from the decision of the Judicial Committee of the Privy Council, read by Lord Macnaghten, declaring the validity of the Manitoba School Act, and reversing the unanimous decision of our Supreme Court, and contrary, I believe, to the opinion of our Minister of Justice and the expectation of our Government. Nor have I seen any such article in any of our public papers, except a startling letter from Mr. Edward Mahon in the *Ottawa Citizen* of the 16th of August last. In this Mr. Mahon says:

"The whole controversy turns upon the construction of section 22 of the Manitoba Act, 1870, passed when that province was entering into our present confederation. That section is as follows: 'In and for the province the Legislature (of Manitoba) may exclusively make laws in relation to education, subject and according to the following provisions: "Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law or practice in the province at the Union."' "

"Lord Macnaghten then proceeds to define what was meant by the word 'practice' in the above context. Here is what he says:

"'It is not, perhaps, very easy to define precisely the meaning of such an expression as "having a right or privilege by practice," but the object of the enactment is tolerably clear. Evidently the word "practice" is not to be construed as equivalent to custom having the force of law. Their lordships are convinced that it must have been the intention of the Legislature to preserve every legal right or privilege, and every benefit or advantage in the nature of a right or privilege, with respect to denominational schools which any class of persons practically enjoyed at the time of the Union.' Taking the above definition exactly as the judgment puts it, it is clearly and overwhelmingly decisive of the question.

"No controversy was raised on the facts as to the status of Roman Catholic separate schools at the time of the Union. All parties to the appeal admitted that in the undisputed evidence given in the case the Roman Catholics supported their own schools, and were not under obligation to and did not contribute to the support of any other schools. Surely, then, the conclusion is inevitable from Lord Macnaghten's own definition as applied to such a state of facts that the