## DECISIONS IN COMMERCIAL LAW

THE UNION COLLIERY COMPANY OF BRITISH COLUMBIA, LIMITED, V. BRYDEN AND THE ATTORNEY-GENERAL OF BRITISH COLUMBIA (INTERVENANT).—This case, which has excited great interest in British Columbia, recently came before the Judicial Committee of the Privy Council. The appellant company carries on the business of mining coal, by means of underground mines in lands belonging to the company, situated near to the town of Union in British Columbia. By Section 4 of the "Coal Mines Regulation Act, 1890, it is expressly enacted that no boy under the age of twelve years, and no woman or girl of any age, and no Chinaman, shall be employed in or allowed to be for the purpose of employment in any mine to which the Act applies, below ground." The present action was instituted in the Supreme Court of British Columbia. It appeared from the evidence before the Superior Court, that the appellant company, in working some of their underground seams of coal, employed no workmen except Chinamen, who were of full age, and that, in those parts of their workings where miners other than Chinamen were employed, no Chinamen occupied a position of trust or responsibility, such as were alleged in the statement of claim. The controversy has in consequence been limited to the single question, whether the enactments of Section 4, in regard to which the appellant company has stated the plea of ultra vires, were within the competency of the British Columbian Legislature. The question raised directly concerns the legislative authority of the Legislature of British Columbia, which depends upon the construction of Sections 91 and 92 of the British North America Act, 1867. Their Lordships held that there can be no doubt that, if Section 92 of the Act of 1867 had stood alone, and had not been qualified by the provisions of the clause which precedes it, the Provincial Legislature of British Columbia would have had ample jurisdiction to enact Section 4 of the Coal Mines Regulation Act. The subject-matter of that enactment would clearly have been included in Section 92 (10), which extends to provincial undertakings, such as the coal mines of the appellant company. It would also have been included in Section 92 (13), which embraces "Property and Civil Rights in the Province." But Section 91 (25) extends the exclusive legislative authority of the Parliament of Canada to "naturalization and aliens." It did not appear to their Lordships to be necessary, in the present case, to consider the precise meaning which the term "naturalization" was intended to bear, as it occurs in Section 91 (25). But it seems clear that the expression "aliens," occurring in that clause, refers to, and at least includes, all aliens who have not yet been naturalized; and the words, "no Chinaman," as they are used in Section 4 of the Provincial Act, were probably meant to denote, and they certainly include every adult Chinaman who has not been naturalized. Their Lordships see no reason to doubt that, by virtue of Section 91 (25), the Legislature of the Dominion