

pocket and do nothing; but how is an executor to see that the condition on which the bequest is given is fulfilled? The supposed efficacy of the mass we believe depends on the intention with which it is said. How can an executor determine whether there has been the required intention? The decision of their Lordships seems to have opened a wide field for discussion. Possibly in view of the difficulties we have suggested the decision overturned may have been substantially right, even though the reasons therefor were erroneous, inasmuch as such bequests appear to be beyond the power of any temporal Court properly to administer.

CONSTITUTIONAL LAW—PROVINCIAL LEGISLATURE—DELEGATION OF POWERS OF PROVINCIAL LEGISLATURE—OFFICE OF LIEUTENANT-GOVERNOR—INITIATIVE AND REFERENDUM ACT (6 GEO. V. CH. 59, MAN.)—B.N.A. ACT, 1867 (30-31 VICT. CH. 3) SEC. 92(1).

*In re Initiative and Referendum Act* (1919) A.C. 935. By an Act of the Provincial Legislature of Manitoba (6 Geo. V. c. 59), that Legislature attempted to delegate to the electoral constituencies the power of initiating and passing laws without the consent of the Lieutenant-Governor. The Judicial Committee of the Privy Council (Lords Haldane, Buckmaster, Dunedin, Shaw and Scott-Dickson) held that such an Act was *ultra vires* of the Provincial Legislature, affirming the judgment of the Manitoba Court of Appeal. By the Act in question it was provided that if a proposed law was approved by the majority of the votes polled it was to become law as though such law were an Act of the Provincial Assembly; and also providing that such Act or law or any part of it disapproved by the majority of the electors should be deemed repealed. It is as well that this novel experiment for introducing laws without due debate and consideration has failed. Their Lordships were of the opinion that such an enactment seriously affected the rights of the Lieutenant-Governor as His Majesty's representative, as an integral part of the Legislature. We have referred to this case on another page.

CANADA—MANITOBA—DIVORCE—JURISDICTION.

*Walker v. Walker* (1919), A.C. 947. The judicial committee of the Privy Council has by a series of decisions settled the controverted point that in British Columbia, Alberta, Saskatchewan and Manitoba the Superior Courts have jurisdiction to grant divorce. *Watts v. Watts* (1908), A.C. 573, settled the question as regards British Columbia and in the present case the matrimonial