

- (ii) with leave to the applicant to sell with the sheriff's consent,
- (iii) with leave to the applicant to bid in, or
- (iv) with both remedies (ii) and (iii) available.

It is hoped that all of these remedies will be kept in mind by solicitors, and that the special value of private sales will be recognized with greater frequency in relation to conditional sales contract seizures.

E. MIRTH*

* B.A., LL.B. (U. of A.), Barrister and Solicitor; at the Alberta Bar and of the firm of Hurlburt, Reynolds, Stevenson and Agrios, Edmonton, Alberta.

CONSTITUTIONAL LAW—B.N.A. ACT—DISTRIBUTION OF POWERS —THE ASPECT TEST AND THE EMERGENCY DOCTRINE

And God said unto Noah: "Build an Ark of two compartments and into compartment No. 91 place all the large animals and into compartment No. 92 place all the small animals." And Noah accordingly built the ark with its two compartments and placed therein the animals as directed. And God saw what Noah had done and said: "It is good".

But, Behold, some of the small animals in compartment 92 by the process of natural growth and development became big animals whereupon Noah, mindful of the scheme of allocation in the original instructions, transferred these animals to compartment 91. But Lo, divers of the small animals in compartment 92 became afflicted with the malady elephantitis and grew to an enormous size, whereupon Noah, mindful as aforesaid, transferred these animals to compartment 91. But Lo again, these afflicted animals having recovered from their malady were once more reduced to their normal size whereupon Noah, mindful as aforesaid, retransferred these animals to compartment 92. And God was heard to say: "It is good".

And Lord Watson in turn, influenced by the biblical text, declared: "Their Lordships do not doubt that some matters, in their origin local and provincial, might attain such dimensions as to affect the body politic of the Dominion, and to justify the Canadian Parliament in passing laws for their regulation or abolition in the interest of the Dominion. But great caution must be observed in distinguishing between that which is local and provincial, and therefore within the jurisdiction of the Provincial Legislatures, and that which has ceased to be merely local or provincial, and has become matter of national concern, in such sense as to bring it within the jurisdiction of the Parliament of Canada".

ALEXANDER SMITH*

* Professor, Faculty of Law, The University of Alberta.

THE BUILDERS' LIEN ACT—NATURE OF THE LIEN—EFFECT OF THE ACT—PROBLEMS ARISING FROM THE ACT

I. HISTORY OF THE "BUILDERS'" OR "MECHANICS'" LIEN

Suppliers of services and materials for the improvement of real property have a lien on that property. The law relating to this lien has