

but it adds a new terror to life to know that a grossly exaggerated declaration may be published before the defendant has even had a chance of seeing it, let alone answering it, and persons are coerced into unjust settlements and compromises. Moreover, the very journals which are most eager to print these one-sided statements seldom make any mention of the final decision of the cases so unfairly presented to the public. It is right that what takes place in open court should be impartially reported, for there the defendant is represented by counsel, and has a chance to be heard, but as to these premature statements of suits entered, it is much to be desired that more discretion will soon be exercised by the conductors of public journals.

NOTES OF CASES.

PRIVY COUNCIL.

LONDON, December 1, 1883.

Before Lord FITZGERALD, SIR BARNES PEACOCK, SIR MONTAGUE E. SMITH, SIR ROBERT P. COLLIER, SIR RICHARD COUCH, & SIR ARTHUR HOBHOUSE.

THE COLONIAL BUILDING & INVESTMENT ASSOCIATION (defts. below), appellants, and LORANGER, Atty.-Gen. (petr. below), respondent.

Federal and local jurisdiction—Building and Investment Association—37 Vict., (Can.) c. 103.

1. *The Act incorporating the company appellant, for the purposes set out below, was not ultra vires of the Parliament of Canada.*
2. *Although, by the law of Quebec, corporations cannot acquire or hold lands without the consent of the Crown, and the power to repeal or modify this law belongs exclusively to the Provincial Legislature, yet the powers found in the Act of incorporation are not necessarily inconsistent with the provincial law of mortmain, which does not absolutely prohibit corporations from acquiring or holding lands, but only requires, as a condition of their so doing, that they should have the consent of the Crown.*

3. *The question whether the company had, in fact, violated the law of the Province by acquiring and holding land without having obtained the consent of the Crown, was not in issue in this case.*
4. *The fact that the company had not hitherto extended its operations to the full limits of its corporate authority was no reason for declaring its Act of incorporation illegal, if the Act was originally within the legislative power of the Dominion Parliament.*

The appeal was from a judgment of the Court of Queen's Bench, reported in 5 Legal News, p. 116.

PER CURIAM. This is an appeal from a judgment of the Court of Queen's Bench of the Province of Quebec, reversing a judgment of the Superior Court, which dismissed the petition of the Attorney General of the province, praying that it be declared that the Appellant Company had been illegally incorporated, and that it be ordered to be dissolved, and prohibited from acting as a Corporation, The judgment now appealed from did not grant the prayer of the petition, but gave other relief, in the manner to be hereafter adverted to.

The Colonial Building and Investment Association was incorporated by an Act of the Parliament of Canada (37 Vict., c. 103). The preamble states—

That the persons therein-after named, 'owners of real estate in the city and district of Montreal, and elsewhere in the Dominion, have petitioned for an Act of Incorporation, to establish an Association to be called the Colonial Building and Investment Association, whereby powers may be conferred on the said Association for the purpose of buying, leasing, or selling landed property, buildings, and appurtenances thereof; for the purchase of building materials, to construct an improved class of villas, homesteads, cottages, and other buildings and premises, and to sell or let the same; and for the purpose of establishing a building or subscription fund, to which persons may subscribe or pay in money for investment or for building purposes, and from which payments may be made for said purposes; and also to act as an agency.'

Sec. 1 incorporates the Association.

Sec. 4 enacts that the Association shall have power to acquire and hold, by purchase, lease, or other legal title, any real estate necessary for the carrying out of its undertakings; to construct and maintain houses or other buildings; to let, sell, convey, and dispose of the said property; to acquire and use or dispose of every description of materials for building purposes;