

Chan. Cham.]

NOTES OF CASES—LENOIR V. RITCHIE.

[Sup. Ct.

dule G to G. O. 436 had not been incorporated in the notice published.

It was contended that order 646 was intended to dispense with the long notice, as it provided that plaintiff must produce an affidavit verifying his claim, which was not done in ordinary cases, where defendant was served in person.

Held, that Registrar's course was correct, and that as defendant had no knowledge of the amount claimed by the plaintiff from the notice served, the case must be set down for hearing *pro confesso*.

W. Fitzgerald for plaintiff.

Proudfoot, V.C.] [Oct. 13.

CLEGHORN V. WILSON.

Injunction—Dismissal of bill—Effect of.

A motion to continue an injunction was returnable to-day. A countermand of the notice of motion and a copy of an order dismissing the bill had been served by plaintiff on defendant; but, nevertheless, counsel for defendant appeared and moved for an order to dissolve the injunction.

The learned VICE-CHANCELLOR thought that when the bill fell all proceedings under it fell also; but leave was given to renew the motion if on further consideration counsel desired to do so.

Hoyles for defendant.

Proudfoot, V.C.]

RE ROMANES V. SMITH.

Rev. Stat. Ont. ch. 109, s. 3—Estate.

A testator devised lands to his executors "To hold the same in trust for the use and benefit of my son William during his lifetime, and after the death of my son William, in trust for his heirs, issue of his body, until the youngest of said heirs shall become of age, and then to convey it to said heirs, the children of my said son William taking equal shares, and the child or children of any deceased child of my said son to take their parent's share in equal proportion."

Held, that William took an estate for life, and the legal estate in remainder vested in the trustees for the benefit of his heirs.

Black for purchaser.

Moss for vendor.

CANADA REPORTS.

SUPREME COURT REPORT.

LENOIR V. RITCHIE.

Great Seal case—Appointment of Queen's Counsel.

The following is a translation of the judgment of Fournier, J. pronounced in the French language, viz.:—

FOURNIER, J. — The respondent J. N. Ritchie, a barrister of the Nova Scotian bar, was appointed a Queen's Counsel by letters patent, under the Great Seal of Canada, on the 26th of December, 1872.

On the 7th of May, 1874, the Legislature of Nova Scotia passed two Acts, chapters 20 and 21—the first, authorizing the Lieutenant-Governor to appoint Queen's Counsel for that Province—the second, giving him power to regulate the order of precedence between them.

On the 27th of May, 1876, the appellants and several other members of the Nova Scotian bar were appointed Queen's Counsel, by virtue of letters patent, giving them rank and precedence over the respondent. The prothonotary of the Supreme Court of Nova Scotia, having thought he ought to conform to these letters patent, in preparing the roll of barristers, assigned to the appellants and others, a precedence over the respondent, which none of them had had before. The latter having obtained from the Court on the 3rd of January, 1877, a rule to restore and maintain him in the order of precedence which he had since the 26th of December, 1872, the date of his letters patent.

It is from the judgment making this rule absolute, that the present appeal is brought.

The principal questions raised in this cause are: First, whether the judgment rendered upon this rule on the 26th of March, 1877, is susceptible of appeal to this Court; second, whether chapters 20 and 21, of 37 Vict., of the Statutes of Nova Scotia, are beyond the jurisdiction of the Legislature; third, whether these Acts can have a retrospective effect, affecting the position of Queen's Counsel appointed by letters patent, issued under the Great Seal of