

posed on corporations by 45 Vict. (Quebec) Cap. 22. Justices Ramsay, Tessier and Baby hold the Act to be *intra vires*, while the Chief Justice and Mr. Justice Cross dissent. The result is that the judgment of Mr. Justice Rainville in *Lamb v. The Ontario Bank*, 6 Legal News, p. 158, is reversed, and that of Mr. Justice Jetté in *Lamb v. North British & Mercantile Ins. Co.*, 7 Legal News, p. 171; M.L.R., 1 S.C. 32, is affirmed. The cases are to be taken to the Privy Council.

THE ORDER OF BUSINESS IN THE COURT OF APPEAL.

It is important that the attention of advocates practising in the Court of Appeal at Montreal should be directed to the fact that the Court, on the 16th instant, resolved to adhere strictly in future to the rule, that causes on the list for the day must be proceeded with, or lose their turn. It does not appear to be generally understood that cases should not be allowed to go upon the list for the day unless the parties are actually ready to proceed. The fact is that two or three cases are sometimes called, in which the Court is asked to suspend the hearing for twenty-four hours or longer; then the next cases are called, and the counsel, who had not anticipated such an early summons, are found to be absent. Thus, during the present term, on the 16th instant, several cases were called in which one of the counsel was detained elsewhere, being engaged in the examinations for the bar. The hearing was suspended by special request. The consequence was that the remaining cases on the list for the day were reached sooner than had been expected, and the counsel were either not in attendance, or were otherwise unprepared. This led to a conversation to the following effect:—

The CHIEF JUSTICE.—In future no case on the roll for the day will be continued with my consent. If counsel are not ready their cases will be put to the foot of the list. The practice of fixing five or six cases for each day was intended to give the bar an opportunity of arranging the time of argument to suit their convenience, but it appears that they won't even take the trouble to ascertain whether their cases will come on.

Mr. Justice CROSS.—The practice of having a list for the day, which was adopted for the convenience of the bar, has become rather embarrassing to the Court.

The CHIEF JUSTICE.—If the bar want to do away with the rule of putting five or six cases for each day it is easy to rescind it, and the roll will then be called over until there is a case in which the parties are ready to proceed.

Mr. KERR, Q. C.—On the part of the bar I would say that if the rule were positively fixed that cases would not be suspended, it would probably be observed.

Mr. Justice RAMSAY.—I admit that there is too much good nature on the part of the bench; I quite admit that.

The CHIEF JUSTICE.—The majority of the members of the bar show by their acts that they do not hold with what you say, Mr. Kerr, because nearly all the members of the bar have, at various times, made applications of this kind.

Mr. KERR.—I do not think I have made such an application.

The CHIEF JUSTICE.—Perhaps not you, but nearly all the lawyers pleading here have at one time or other asked for suspensions.

The calling of the list was then resumed, and a case in which Mr. Kerr was counsel being reached, the learned counsel stated that as it was a long way down on the roll he had not anticipated that it would be reached for a few days, and his factum was not filed.

The CHIEF JUSTICE.—You see you are driven to say that your factum is not ready in time, because three or four cases which should have come on have been passed over.

An adjournment then became necessary before the hour of 12.

THE DOMINION LICENSE ACT.

The following is the text of the report of the Supreme Court to the Dominion Government in answer to the questions submitted in connection with the Dominion License Act:—

IN THE SUPREME COURT.

MONDAY, the 12th Jan., 1885.

Present:—

The Hon. Sir William Johnstone Ritchie,
Knight, Chief Justice.