

rio. He was born at Perth, Ont., in 1827, studied at the University of Glasgow and also at McGill, Montreal, and was admitted to the bar of this Province in 1851. He practised for some years in Montreal in partnership with the late Mr. Justice Torrance. Subsequently he removed to Ontario, and after being for a time in the Dominion Cabinet, was appointed Lieutenant-Governor of Manitoba. Mr. Morris attained distinction in his youth as a writer upon Canada and the North-West, and was a warm supporter of the Confederation of the provinces.

Mr. Robert Baxter, head of the firm of Baxter, Rose & Norton, who died October 8, is supposed to have been the oldest practising solicitor on the roll. He was born in 1802, and admitted a solicitor in 1823. He was largely engaged in Parliamentary business, being the promoter of a long list of railways and public companies. His practice extended back to a period when railways were not, and companies were comparatively few. The *Law Journal* says: "Not the least creditable incident in the career of Mr. Baxter was the loyalty with which he supported a falling cause after it had exceeded its financial tether, and in spite of the jeer in Westminster Hall of his firm as 'Baxter Knows he's Orton.' But for his adoption of the quieter paths of the law, which do not lead to high distinction, he would have been better appreciated in the public world."

SUPERIOR COURT, ST. FRANCIS.

SHERBROOKE, June 28, 1889.

Coram BROOKS, J.

THE CORPORATION OF THE CITY OF SHERBROOKE,
Petitioners, v. THE SHERBROOKE TELEPHONE COMPANY, Respondents.

Telephone Company—31 Vic. (Q.) ch. 25—2 R. S. Q. 4705—*Interpretation of—Injunction.*

Held:—1. That Letters Patent issued by the Lieutenant-Governor-in-Council, incorporating a Telephone Company with power to carry on business in this Province under the provisions of section 8 of 31st Vic. cap. 25, now Revised Statutes of Quebec 4705, in which power is granted to the Sherbrooke

Telephone Association "to construct, maintain and operate a line or lines of Telephone through, under or along the streets, highways, bridges or water courses of towns, cities, or other incorporated or rural municipalities in said Province where said Association shall at any time carry on its operations, provided the passage or traffic in said streets or highways shall not be impeded or interfered with," are ultra vires of the Lieutenant-Governor-in-Council, and the Letters Patent should not have extended or interpreted the words of the law, 4705 R. S. Q., which simply confer upon any company incorporated by Letters Patent all the powers, privileges and immunities required for the carrying on of its undertaking; and that the control and use of the streets of the city of Sherbrooke and other municipalities of the Province can only be taken away by direct legislative enactment.

2. That the Injunction Act, 41 Vic. cap. 14, only extends to the suspension of works complained of, and not to the demolition of those already made.

PER CURIAM:—The petitioners represent that they were and are a municipal corporation under a special Act of Quebec, 39 Vic. ch. 50, and as such and under the provisions of the Municipal Code were and are vested with the ownership and control of all the roads, streets and squares in said city; that the ground occupied by such streets and squares belongs to them, and they are entitled to the unrestricted possession, use and control of said roads, streets and squares; that the Sherbrooke Telephone Association are also a corporation under Letters Patent issued by order in council dated August 31st, 1888; that since their Act of Incorporation, the respondents have unlawfully and without the consent of petitioners or of the municipal council of the city of Sherbrooke, entered upon the streets and squares and lanes of said city, and particularly upon certain streets, viz: Peel, Windsor, Bridge, Bank, William, Montreal, Wolfe, Queen, Prospect, and Island streets, to the inconvenience of the public, have interfered with petitioners' control of and ownership in said streets by the planting of telephone poles and stretching their wires