

Ont.] TRUSTS AND GUARANTEE CO. v. RUNDLE. [Nov. 2, 1915.
*Appeal—Probate Court—Surrogate Court—R.S.C., 1906, c. 139,
 s. 37(d).*

Under the terms of s. 37(d) of the Supreme Court Act, an appeal lies to the Supreme Court of Canada from the judgment of the Appellate Division of the Supreme Court of Ontario in a case originating in a Surrogate Court of that province. Idington, J., dubitante.

On the merits the judgment of the Appellate Division (32 Ont. L.R. 312) was affirmed. Appeal dismissed with costs.

Rowell, K.C., for appellants. Heles, for respondent.

N.S.] MCGILLIVRAY v. KIMBER. [Nov. 15, 1915.
*Pilotage Authority—Compulsory Retirement of Pilot—Judicial
 Functions—Liability to Action.*

The pilotage authority in a pilotage district of Canada has not absolute and arbitrary power to cancel a pilot's license, but can only do so after complaint and proof on oath of incapacity.

If a pilotage authority, by resolution alone, without complaint, notice or investigation, declares a pilot to be dismissed "for neglect and incapacity" and thus prevents him from performing a pilot's duties, inasmuch as they failed to observe the statutory requirements respecting the proceedings for such dismissal they have not exercised judicial functions and are not protected from liability to an action by the pilot for damages. Fitzpatrick, C.J., and Davies, J., dissenting.

Judgment of the Supreme Court of Nova Scotia (48 N.S. Rep. 280) reversed.

Mellish, K.C., and Fintay Macdonald, K.C., for appellant. Rogers, K.C., for respondents.

EXCHEQUER COURT OF CANADA.

Cassels, J.] [Oct. 30, 1915.

IN RE GAUTHIER AND THE KING.

*Constitutional Law—Effect of New Provincial Legislation on
 Pre-existing Rights of the Crown Represented by Dominion
 Government—Specific Performance of Contract Entered into
 by Crown—Dominion Interpretation Act (R.S. 1906, c. 1),
 s. 10.*

Where the Crown, represented by the Dominion Govern-