

**CONSTITUTIONAL CASES.**

If we analyse old sections 46, 48 and 49, it will be found that the clause which permitted of an appeal to the Supreme Court, when the matter in controversy involved the validity of a statute or ordinance in the Province of Quebec (section 46), was not carried into 48 and 49, but its importance is recognized in the new legislation by carrying it into 41 (a). Old sec.  
46, 48, 49,  
constitu-  
tional cases.

**FUTURE RIGHTS.**

46 (b) of the Supreme Court Act has been construed by the Court, and the words 'where rights in future might be bound' have been held to govern all the different subject matters set out in the sub-sections of that section (*Bank of Toronto v. Les Curé, &c.*, 12 S. C. R. 25), but great doubt was cast upon this construction by the Court in *Olivier v. Jolin*, 55 S. C. R. 41, and it would seem clear that the subdivision of old sub-section 46 (b) by the new Act whereby fee of office, duty, rent or revenue or any sum of money payable to His Majesty is placed in 41 (b), and the words 'where rights in future of the parties may be affected' is limited by 41 (c) only to 'taking of an annual rent, customary or other fee and other matter' *ejusdem generis* (vide *O'Dell v. Gregory*, 24 S. C. R. 661), that all the jurisprudence respecting 'future rights' as applied in Quebec cases to 'title to lands or tenements, annual rents' no longer has any application.

**PATENT CASES.**

In drawing up new section 41 (d), the draftsman when dealing with actions relating to lands, has adopted for all the provinces the language of section 48, and patent cases which are specially favoured in sections 48 and 49, but not in 46, are now provided for in new section 41 (e).

**TITLE TO LANDS, ETC.**

In the notes to section 46 in the 1st Vol. of the Supreme Court Practice it is pointed out that no part of the Act has caused more difficulty or called for interpretation more frequently than this section. To a lesser degree this statement applies to the corresponding provisions applicable to the other provinces of Canada (section 48). This difficulty has not been entirely done away with by the new Act, because the same question must arise whenever leave to appeal has been refused by the highest Court of