

that the practice in France has been taken and made the basis of a law involving reciprocal duties and obligations, imposing them as compulsory, and creating an authority to enforce them, thus making it obligatory, that such authority should be exercised in a lawful manner, and subjecting it to the control of the higher legal tribunals. The Bar of the Province of Quebec, having chosen to accept a charter of incorporation, and to assume the exercise of judicial functions, thereby conferred upon them, have as a consequence abdicated the right of arbitrary expulsion, and subjected their action to the supervision of the higher tribunals. The status of membership of their body has become a recognised legal right, which it is the duty of Courts to protect, and they will not permit it to be infringed without a valid and sufficient legal cause being shewn for so doing.

"If called upon to express my opinion of Mr. O'Farrell's conduct on the occasion I should make it very strong and decided, but that is unnecessary and uncalled for.

"According to the opinion of this Court the judgment of the Court of Review is to be reversed, and the order for prohibition made absolute, according to the original judgment of the Superior Court on the merits of the case."

Mr. O'Farrell's conduct is not approved by either the Courts or the Council of the Bar. But he gets the benefit of the absence of a by-law. This is more than a technicality. The judgment of the Appeal Court rests upon an important principle, that punishments are not to be awarded for indefinite offences, and especially at the pleasure of the majority of a fluctuating and almost irresponsible tribunal. The Councils of the Bar must not wait until something has been done, and then call it an offence; they must define beforehand what shall be deemed offences. If the Council of one Section choose to make acting as a constable an offence, another might place in the same category participation in the profits of money-lending and discounting, as, for instance, by holding stock in a bank; or the possession of shares in any other trading or manufacturing company, or the buying and selling of real estate as speculation. A majority of a Council might be found in particular circumstances voting in a very whimsical manner, and it is wise to place some

restraint upon their action, by compelling them to define the acts which they intend to punish as crimes.

THE ST. ANDREW'S CHURCH CASE.

In our reference to this case (page 13), it was inadvertently stated that the decision of the Supreme Court was unanimous. This was an inaccuracy; the Chief Justice and Mr. Justice Strong dissented in favor of the respondents, the Minister and Trustees of the Church. The Canadian Judges therefore stood exactly six to six—Justices Johnson, Monk, Sanborn, Tessier, Strong, and Chief Justice Richards for the Church, and Chief Justice Dorion and Justices Ramsay, Ritchie, Taschereau, Fournier and Henry for the pewholder.

REPORTS.

COURT OF QUEEN'S BENCH—APPEAL SIDE.

Montreal, December 14, 1877.

Present:—Chief Justice DORION, and Justices MONK, RAMSAY, TESSIER, and CROSS.

THE MONTREAL, OTTAWA & WESTERN RAILWAY Co., (defts. below) Appellants; and BURY (plff. below) Respondent.

Agency—Quantum Meruit—Services in promoting interests of a Railway Company.

B. worked for several years, in a general way, to advance the interests of a railway company; he canvassed for stock, and assisted in the election of city councillors and others who favored the granting of aid to the undertaking. *Held*, that he was entitled to compensation for the value of his services, although he had not been promised any remuneration.

Bury, the respondent, from 1st December, 1870, to 1st July, 1873, rendered certain services to the company, appellants, who were engaged in the construction of a line of railway. The services consisted chiefly in securing the passage of by-laws by the corporation of the city of Montreal, and in certain counties and municipalities along the line of railway, authorizing the subscription of stock in the company, and the granting of bonuses. Bury was a stockholder in the company, and owned property along the proposed line of railway. Action, for value of services rendered. Plea, that Bury never was in the employ of the