

done to a fellow-subject, though done by the authority of the Crown, a position which appears to us to rest on principles which are too well settled to admit of question, and which are alike essential to uphold the dignity of the Crown on the one hand, and the rights and liberties of the subject on the other.'

To sum up in short terms, for general information, our conclusion upon the issue before us, the Court holds: That in an action of this description, to which the parties are British subjects, for a trespass committed within British territory, in time of peace, it is no sufficient answer to say, in exclusion of the jurisdiction of the municipal Courts, that the trespass was an 'act of State' committed under the authority of an agreement or *modus vivendi* with a foreign power. That in such a case, as between the Queen's subjects, the questions of the validity, interpretation and effect of all instruments and evidences of title and authority rest in the first place with the Courts of competent jurisdiction within which the cause of action arises. That, therefore, the decision upon the present issue, which is confined to these points, is found in favour of the plaintiffs in this action, with leave to the defendant (should it be desired) to amend upon payment of costs. At the bar we had the voluntary statement of the Attorney-General (who appeared with Mr. Kent, Q.C.), on the part of the defendant, to uphold the 'legal and constitutional rights of the Crown,' that, with regard to those who had suffered loss, there could not be the remotest doubt but that inquiry would be made and that compensation would follow. It is to be hoped, therefore, that it will be found unnecessary to prolong the litigation in the present case.

Sir J. S. Winter, Q.C., and Mr. Greene, Q.C., for the plaintiffs; Mr. Kent, Q.C., and the Attorney-General (Sir W. V. Whiteway, Q.C.) for the defendant.

#### APPEAL REGISTER—MONTREAL.

Thursday, June 25, 1891.

*Ontario & Quebec R. Co. & Curé et Marguilliers de l'Œuvre & Fabrique de Ste Anne de Bellevue.*—Confirmed, Cross & Doherty, JJ., diss.

*Stanton & Canada Atlantic R. Co.*—Confirmed.

*Clarke & Macdonald.*—Confirmed.

*Accident Insurance Co. of N. A. & McFee.*—Confirmed.

*Huot & Black.*—Two appeals. Reversed, Doherty, J. diss.

*McBean & Marshall.*—Confirmed.

*Commercial Mutual Building Society & London & Glasgow Insurance Co.*—Confirmed.

*Atlantic & N. W. R. Co & Betournay.*—Confirmed.

*Cie Chemin de Fer à Passagers & Dufresne.*—Reversed without costs, Doherty, J., diss.

*Flatt & Ferland, & Kent.*—Confirmed.

The *délibéré* was discharged in the following cases:—Desjardins & Robert; Villeneuve & Kent; Magor & Kehlor; Bank of B. N. A. & Stewart; Basinet & Gadoury; Canadian Bank of Commerce & Stevenson.

The Court adjourned to Sept. 15.

Tuesday, Sept. 15.

Motions were received, and there being no quorum the Court was adjourned to Sept. 16.

Wednesday, Sept. 16.

There being no quorum the Court was adjourned to Sept. 17.

Thursday, Sept. 17.

The Commissions of the Hon. Alex. Lacoste, as Chief Justice, and of the Hon. Mr. Justice Wurtele as assistant judge, were read.

*Mooney & Sicotte.*—Motion to dismiss appeal granted for costs.

*Atlantic & N. W. R. Co. & Turcotte.*—Motion to dismiss appeal. C. A. V.

*Lancot & Gundlack.*—Motion for rectification of judgment. C. A. V.

Friday, Sept. 18.

An address of congratulation to the Hon. Chief Justice was presented by the Bar of Montreal.

*Atlantic & N. W. R. Co & Turcotte.*—Motion to dismiss appeal granted for costs.

*O'Connor & Inglis.*—Motion for leave to appeal from interlocutory judgment. C.A.V.

*Corporation of Verdun & Protestant Hospital for the Insane.*—Heard on appeal from judgment of Loranger, J., Superior Court, Montreal, Oct. 15, 1890.—C. A. V.

Saturday, Sept. 19.

*Lancot & Gundlack.*—Motion for rectification of judgment dismissed.