

RECENT ENGLISH DECISIONS—LAW SOCIETY.

LEGISLATIVE ASSEMBLY—SUSPENSION OF MEMBER—
TRESPASS.

Barton v. Taylor, 11 App. Cas. 197, was an action brought by a member of the House of Assembly of N. S. Wales, against the Speaker of the House, for trespass in causing the plaintiff to be removed from and prevented from entering the House after a resolution had been passed, that he, the defendant, "be suspended from the service of the House." The defendant pleaded justification, setting up the resolution, and the orders of the House, whereby the rules, forms and usages in force in the British House of Commons were adopted. The plaintiff demurred, and the case came before the Privy Council on appeal from the judgment allowing the demurrer, and their Lordships held, that the resolution must not be construed as operating beyond the sitting during which it was passed, and further, that the order of the House of Assembly adopting the rules of the British House of Commons, though valid as far as it went, must be construed as relating only to such rules, forms and usages as were in existence at the date of the order, and would not have the effect, unless expressly so worded, of introducing rules, orders or usages, subsequently adopted in the British House of Commons. Their lordships further laid down that the powers inherent of necessity in a Colonial Legislative Assembly are only such as are necessary to the existence of such a body and the proper exercise of the functions which it is to execute, and do not authorize it to exercise punitive measures or unconditional suspension of a member during the pleasure of the Assembly. But the power of the Assembly to pass a standing order giving itself power to punish an obstructing member, or remove him from the Chamber for any longer period than the sitting during which the obstruction took place, was conceded, and the judgment of the court below was affirmed on the ground that this was not done, not that it could not have been done.

LEAVE TO APPEAL.

The only remaining case to be noted is the *Attorney General of Nova Scotia v. Gregory*, 11 App. Cas. 229. In this case, by special agreement sanctioned by the court, the petitioner had come in and consented to be made a party to the cause in appeal, and to be bound by the

order of the Supreme Court to be made therein, but by the terms of the agreement, the powers of the Supreme Court were defined and restricted, and its order was "to be construed a final disposition of all contentions whether now in litigation or not." The petitioner applied for leave to appeal from the decision of the Supreme Court, but it was held by the Privy Council, that the Supreme Court was acting under the terms of a special reference and not in its ordinary jurisdiction as a Court of Appeal, and leave to appeal was therefore refused.

LAW SOCIETY.

RESUME OF PROCEEDINGS OF
CONVOCATION.

HILARY TERM, 1886.

FRIDAY, FEBRUARY 12TH.

Convocation met.

Present—The Treasurer and Messrs. Britton, Crickmore, Falconbridge, Ferguson, Foy, Hoskin, Irving, Kerr, MacKelcan, MacLennan, Morris, Moss, Murray, McCarthy, Purdom, Smith.

Mr. Moss, from the Committee on Legal Education, reported on the petition of John Geale.

Ordered for immediate consideration and adopted.

Mr. Moss, from the same Committee, reported on the petition of Mr. G. E. Martin, recommending that he be allowed on the 16th, to prove completion of service, and that he do then receive his certificate.

Ordered for immediate consideration. Adopted and ordered accordingly.

Mr. Moss, from the same Committee, reported on the case of Mr. Banguier.

Ordered for immediate consideration. Adopted and ordered, that Mr. Banguier be allowed his Second Intermediate Examination.

Ordered, That Mr. Raymond receive his Certificate of Fitness.