was equally successful. He was honored with a baronetcy, and his business connection was so prosperous that the newspapers say that his estate is valued at nearly two millions of dollars. His death occurred very suddenly while shooting in Scotland.

The bar of Montreal has lost another man of note in Mr. Charles J. Coursol, who for many years held the office of Police Magistrate and Judge of Sessions. Mr. Coursol was a magistrate of remarkable energy, shrewdness, and impartiality, and filled the responsible positions above mentioned with unquestionable ability.

SUPERIOR COURT.

MONTREAL, Sept. 22, 1888.

Before GLOBENSKY, J.

TASSE et al. *v.* MURPHY.

Summary Procedure—Inscription for Enquête—Option for Enquête and Merits.

This was an action under the new summary procedure rules, inscribed for proof on Sept. 19th before the 3rd Division.

Sept. 20. *Beaudin* moved to strike the inscription, 1st, Because the defendant had by his plea made option for *Enquête* and Merits: 2nd, Because Sept. 19th was not an *Enquête* day: 3rd, Because the Third Division is not the proper Court for *Enquête.*

A. B. Major contra:—The option for *Enquête* and Merits is null, article 887 providing that summary matters shall be tried "according to the rules set forth in this chapter." Article 894 is clear, as to the right to go to proof on any juridical day. The Third Division has all the powers of the Court and may take *Enquêtes.*

Sept: 22. Motion dismissed with costs.

McGibbon, Major & Claxton, Attorneys for Plaintiffs.

Loranger & Beaudin, Attorneys for Defendants.

PROHIBITION—LICENSED BREWERS —QUEBEC LICENSE ACT, 41 *VIC. CH.* 3.

MOLSON *et al.* & LAMBE *es qual.*

[Continued from p. 296.]

GWYNNE, J. (*diss.*) :—

The questions involved in this case are :

1o. As to the procedure by writ of Prohibition according to the law prevailing in the Province of Quebec; and

2o. As to the proper determination upon the merits of the issue joined in the proceedings in prohibition, this latter question depending upon the validity and construction of an Act of the Legislature of the Province.

The judgment of Willes, J., delivering the unanimous opinion of the Judges consulted by the House of Lords in the *The Mayor of London* v. *Cox*, L. Rep. 2 E. & I. App. 279, and which is an authoritative and almost an exhaustive treatise upon all questions of prohibition under the law of England, affirms, as well established law, that the Courts that may award Prohibition, being informed either by the parties themselves or by any stranger, that any Court temporal or ecclesiastical doth hold plea of that whereof they have no jurisdiction, may lawfully prohibit the same, as well after judgment and execution as before. That in whatever stage of the proceeding in the Inferior Court, whether on the face of the complaint itself, or by collateral matter, set up by way of plea to that complaint, or in evidence in the course of the proceedings in the inferior Court, or by affidavit, the fact is made to appear to the Court having power to award prohibition, that the case is of such a nature as to shew a want of jurisdiction in the inferior court to decide the particular case, prohibition lies either at the suit of a stranger or of a party, even though there might be a remedy by appeal from the judgment of the inferior tribunal, citing upon this latter point *Burder* v. *Veley*, 12 Ad. & El. 263. A fortiori if in the particular proceeding in the Inferior Court, there be no appeal from the judgment of that Court, prohibition will lie, and to an application for a prohibition, or upon the determination of an issue whether of law or of fact joined in the proceedings in prohibition, it cannot be urged as a sufficient objection to the writ going absolutely that in case of a conviction by the inferior tribunal, the party might have a remedy by certiorari to quash the conviction, indeed the writ being issuable at the suit of a stranger as well as of a party, shews that that the right to it could not be affected by