

members under section 10 the councils only exercise a corporate franchise and how prohibition can be used as a means of preventing a corporation from performing corporate acts it is indeed difficult to conceive. Such however is one of the "singular features" of this judgment of the Court of Queen's Bench. There are one or two others very well worth considering, but it would be scarcely fair to trespass any further, for the present, upon your valuable space, and hoping for the same indulgence on another occasion,

I beg to remain,

Respectfully yours,

Quebec, Jan. 22nd, 1878.

QUEBEC.

EN DELIBÉRE.

To the Editor of THE LEGAL NEWS:

SIR,—One of the evils of our present system is the long *délibéré* which takes place in all cases, whether important or not. In the Queen's Bench (appeal side) this is always the case. After argument a case must go *en délibéré* for three months, perhaps for six months. This has become a practice (chronic). It operates injustice in many respects to suitors and to the profession. If cases were judged rapidly the roll would not be so encumbered with cases, often taken to appeal merely to obtain delay—to defeat the ends of justice in fact. These delays only encourage appeals. The men on the bench should be ready men. I presume they are so. Deliberations among them should be when the points are fresh, if any point has been raised worthy of discussion. After each term the members of the bench scatter, and the records are expected to be ubiquitous, or to go travelling in a tin box about the country. This is *en délibéré*!

Speedy justice is expected from a tribunal sitting in appeal. The bar might make the duty of the bench easier. Labour'd factums should be abolished: cases made to assume more the form of a mathematical proposition. Cases should be threshed out and reduced in bulk. Long-winded arguments (beating the air) should be given up. The duty of the bar is as ministers of justice to assist the courts in the administration of justice, not to embarrass by creating difficulties which do not exist.

Let us have in the Court of Appeals speedy justice. Let bench and bar work together to

promote this end, and there would be fewer appeals, and less work and more play. After each term the Court should adjourn to a near day to render judgments in cases—as a rule, not as a variety.

DESPATCH.

CURRENT EVENTS

CANADA.

SUPREME COURT.—The Supreme Court was occupied from January 21st, the day of opening, to the 24th inclusive in hearing the appeal in the case of *James Somerville et al.*, Appellants, and *The Hon. R. Laflamme*, Minister of Justice, Respondent. The judgment appealed from, rendered by Dorion, J., July 7th, 1877, dismissed the election petition filed by Somerville and others, contesting the return of the Hon. Mr. Laflamme to the House of Commons for the County of Jacques Cartier. The case presented little of interest in a legal point of view, with the exception of some rulings at the trial on questions of the admissibility of testimony. The evidence is excessively voluminous, being directed both to the unseating and the disqualification of the sitting member, but the petitioners were unsuccessful on both points in the Court below. As long as elections are fought and contested with the extreme pertinacity which at present distinguishes them in Canada, the time of the Supreme Court is likely to be monopolized to a considerable extent by the hearing of election appeals.

On the 28th January judgment was given in the case of *The Queen v. Severn*. The question was as to the jurisdiction of the Legislature of Ontario to impose a license fee on brewers doing a wholesale business and licensed under the Revenue Acts of Canada. The Supreme Court has reversed the judgment of the Court below, and holds that the local legislature has no power to impose a license fee on brewers, such taxation not falling within sub-section 9 of section 92, B. N. A. Act.

ONTARIO.

FUSION OF LAW AND EQUITY.—A discussion of considerable interest is in progress in Ontario on the subject of the fusion of law and equity.