

The Legal News.

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The decisions of the Judicial Committee of the Privy Council, reported in recent issues of this journal, do not appear, in their general result, to favour appeals to that tribunal. There was one application for special leave to appeal from the Supreme Court of Canada, which was refused. In two cases in which special leave to appeal from decisions of the Supreme Court had been granted, the judgment was affirmed. And in two other cases, in which the appeal had been taken direct from the judgment of the Court of Queen's Bench sitting in appeal at Montreal, the judgment was also affirmed. In no case, therefore, was the appeal successful. An examination of the cases, however, shows that these were all suits in which there was considerable difficulty, and the amount involved being considerable, there was a strong inducement to lose no chance of obtaining a different result. They were not cases in which a great principle of law had to be defined, but rather cases in which there was some perplexity arising from the particular circumstances. In *Montreal & Seminary of St. Sulpice* (p. 281), it is not quite easy to appreciate the considerations which induced their lordships to refuse leave to appeal, and at the same time intimate to the applicant that it might have another opportunity of obtaining the decision of the Committee. This could only arise if the provincial Court of Appeal reversed its previous decision and followed that of the Supreme Court. It is a question, however, whether the Court of Appeal would consider itself bound by the decision of the Supreme Court (see observations of Ramsay, J., in *Molson & Lambe*, M.L.R., 2 Q.B. 397), and if it did not, the City would be in exactly the same position as before, unless the Appeal Court decided against the City for the express purpose of giving it an opportunity to appeal direct to the Judicial Committee. In *St. John's & Central*

Vermont R. Co., (p. 290) the Judicial Committee restricted the appeal to the question of statutory interpretation, intimating that upon a question of fact special leave to appeal would not have been granted, and that an appellant will not be allowed to "change front" at the hearing on the merits, and present his case otherwise than it was presented when leave to appeal was asked for. In *Mullen & Wadsworth* (p. 314) the appeal was also restricted somewhat, but their lordships settled an important question as to the legal effect of an *acte de mariage*. In *Gilmour & Mauroit* (p. 322), where the appeal was direct from the provincial Court, the Judicial Committee simply expressed their concurrence in the view which had been adopted by the majority of that Court. In *Senécal & Pauzé* (p. 330) the circumstances were peculiar; the facts were not very clearly defined; and here also the Judicial Committee saw no reason for coming to a different conclusion.

Toronto has now a Law School at Osgoode Hall, and the work of the school was formally commenced on the 7th October. Mr. Justice Strong, of the Supreme Court of Canada, was offered the appointment of Principal, but that learned Judge having declined the offer, Mr. W. A. Reeve, Q.C., has been appointed Principal, with a salary of \$4,000 per annum. There are two lecturers, Messrs. Marsh and Armour, at a salary of \$1,500 each, and two examiners, Messrs. Kingsford and Drayton, at a salary of \$700 each. The Principal will have a share in lecturing, as well as the duty of administering and governing the school. The only course of lectures to be given this year is the first year's course, the subjects and text books being as follows:—Smith on Contracts; Anson on Contracts; Leith's Williams' Real Property; Broom's Common Law; Kerr's Students' Blackstone, Books 1 and 3; Snell's Principles of Equity; such Acts and parts of Acts relating to each of the above subjects as shall be prescribed by the Principal. In future the scholarships to be offered by the Law Society will be in connection with the Law School examinations only. At the first school examination next May, fourteen