appear, but by stereotyping the old practice, as has been done by some recent decisions, and by still further accentuating the difference in practice by passing rules of Court making one practice for the Q. B. and C. P. Divisions, and another for the Chancery Division, as has been recently done, the evils of the old system are kept alive and much of the good the Judicature Act was intended to accomplish will not be attained.

Why in the simple matter of enforcing a judgment of the Court of Appeal there should be two modes of practice we are at a loss to understand. At law the certificate of the Court of Appeal was entered on the judgment roll and was acted on without further order, *McArthur* v. *Southwold*, 8 Pr. R. 27. This practice is still in the Q. B. and C. P. Divisions. In Chancery the practice since *Weir* v. *Matheson*, 2 Chy. Ch. R. 10, was to make the certificate of the Court of Appeal an order of the Court of Chancery. This practice, which appears to be quite unwarranted by the Appeal Act R. S. O., ch. 38, sec. 44, which says that "the decision of the Court of Appeal shall be certified by the Registrar of the Court of Appeal to the proper officer of the Court below, *who shall thereupon* make all proper and necessary entries thereof, and subsequent proceedings may be taken thereupon, as if the decision had been given in the Court below," and which is also inconsistent with the practice of the Court of Chancery itself under the Supreme Court Act, 38 Vict., ch. 11, sec. 46 (D), which is in the same terms as the 44th sec. of the Ontario Appeal Act, is nevertheless we see still to be followed in the Chancery Division. The new Rules 522, 523, 524, 527 also appear to us to create needless differences of practice in the Divisions of the High Court and are therefore in our judgment altogether contrary to the spirit and intention of the Judicature Act. The object of all law should be the attainment of justice, and the removal of all hindrances to that great end. To multiply differences of practice in the different Divisions of the same Court is in effect to put obstacles in the way of justice, and to expose suitors to loss and inconvenience.

NOTES OF CANADIAN CASES.

PUBLISHED IN ADVANCE BY ORDER OF THE LAW SOCIETY.

SUPREME COURT.

MCLEAN ET AL v. THE QUEEN.

Petition of right—Parliamentary contract for printing, breach of—Petition of right does not lie—Departmental contract for printing, breach of—"All the printings"—Demurrer.

The plaintiffs filed a petition of right, claiming that under their contracts with Mr. Hartney, a clerk of the House of Commons, on behalf of the Parliament of Canada and the Government, they were entitled to *all* the parliamentary and departmental printing. The Crown demurred to the petition. It was argued, in the Exchequer Court, that the Crown was not liable on a contract made with Parliament, and that in respect of the contract for departmental printing the contractor alone was bound, the Crown being free to have the work done by other parties.

HENRY, J., in the Exchequer Court, gave judgment in favour of the petitioners in respect of both contracts. On appeal to the Supreme Court,

Held by RITCHIE, C.J.—That the Crown could not be liable under the contract made with Parliament, but that in respect of the contract for the departmental printing, the Crown was liable equally with the contractor; that when the contractor was bound to do *all* the work, the other party was bound to give him *all* the work required to be done. This judgment was concurred in by STRONG and FOURNIER, JJ., TASCHEREAU and GWYNNE, JJ., dissenting.

Demurrer as to contract with Mr. Hartney, for the parliamentary contract maintained, but demurrer as to departmental contract overruled.

H. S. Macdonald and *J. J. Gormully* for suppliants.

Lash, Q.C., and *Hogg* for the Crown.

THE MERCHANTS BANK v. THE QUEEN.

Petition of right—C.S.C., ch. 28; 31 Vict. ch. 12—Slide and boom dues—Chattel mortgage—Agreement between Crown and mortgagor of lumber, effect of—Lien.

This was a petition of right, filed by the appellants, praying that a seizure of a quantity of