

## The Legal News.

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In the interesting discussion before the Court of Appeal, with reference to the mode of attacking the constitutionality of an Act of incorporation, the case of *Forsyth & Bury*, 15 Can. S.C.R. 543, was not cited, so far as we are aware. Yet, as the decision of a higher Court, it is of interest, and it appears to throw some light upon the question raised in the action taken by the Society of Jesus against the "Mail" company. The constitutionality of the Anticosti Company's charter was not attacked by the appellant (in the case cited) before judgment, but only upon the report of distribution; yet two of the judges, Chief Justice Ritchie and Mr. Justice Gwynne, thought that even then the appellant was at liberty to raise the objection. Mr. Justice Strong considered that the constitutional question could not be raised upon the report of distribution, but he observes: "By her own omission to raise the objection she now insists upon in the proper manner and at the proper time, that is, *by plea or defence before judgment*, the appellant has precluded herself from insisting on the matters she has raised by her opposition." Mr. Justice Fournier says:—"C'est après avoir plaidé côte à côte pendant plus de deux ans comme parties au même procès que l'appelante s' imagine de soulever cette question, lorsqu'il ne s'agit plus que d'exécuter le jugement. . . . Après l'avoir considérée comme corps légal pendant deux ans, il est trop tard maintenant pour lui nier son existence." This appears to coincide with the view expressed by Mr. Justice Strong. Mr. Justice Taschereau's remarks are too brief to give any hint of his opinion on the question of pleading unconstitutionality. His honour simply says the appellant cannot raise the question. But if his honour had differed from what had been stated by his colleagues, he would probably have expressed himself more fully.

### NEW PUBLICATIONS.

KENT'S COMMENTARIES ON AMERICAN LAW. New Edition, by Wm. M. Lacy, of the Philadelphia bar. Vol. 1. The Blackstone Publishing Company, Philadelphia, Publishers.

The above work is No. 32 of the Text-Book Series, comprising new editions of standard works, issued monthly by the Blackstone Publishing Company. The book is clearly printed, on good paper, and students especially will prize this opportunity of getting so valuable a treatise at an extremely moderate price. The foot notes of the editor are distinguished from those of Chancellor Kent, the former being designated by figures, and the latter by letters. One of these gives a very clear statement of the appellate jurisdiction of the Supreme Court of the United States.

MARITIME COURT RULES. By Messrs. Howell and Downey. Rowse & Hutchison, Toronto, Publishers.

This book, containing the General Rules (1889) and Statutes, with forms, table of fees, etc., of the Maritime Court, Ontario, is the joint production of Mr. Alfred Howell, barrister, and Mr. Alexander Downey, official reporter of the Court. The new rules, forms, and table of fees which came into operation 1st May last, supersede the rules of 1878-9, and effect almost an entire change in the practice and procedure of the Court. An alphabetical list of the reported cases is given, with heads of subjects. There is also a good general index to the book. Those who have business before the Maritime Court will find this publication a great assistance to them in their work.

SECOND ANNUAL REPORT OF THE INTERSTATE COMMERCE COMMISSION, 1888. Washington: Government Printing Office.

The labours of the Interstate Commerce Commission are pretty generally known. Their reports contain a great deal of valuable information on the subject of the laws which regulate commerce. Important English and Canadian statutes are quoted. The decisions given by the Commission are interesting and