

MONTHLY LAW DIGEST

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No. 6.

ABORTION—See Crim. Law 6.

ACCIDENT INSURANCE — See Insurance, Accident.

ACCOMPLICES—See Crim. Law 5.

ADVERTISING IDEA, USE OF — See Contract 2.

AGENCY—See Contracts 3.

APPEAL—SEE ALSO ELECTION 3.

1. ACTION TO SET ASIDE MUNICIPAL BY-LAW — SUPREME AND EXCHEQUER COURTS ACT, s. 24 (G).

In virtue of a by-law passed at a meeting of the council of the corporation of the city of Quebec, in the absence of the mayor, but presided over by a councillor elected to the chair in the absence of the mayor, an annual tax of \$800 was imposed on the Bell Telephone Company of Canada, the appellants, and a tax of \$1,030 on the Quebec Gas Company. In actions instituted by the appellants for the purpose of annulling the by-law, the Court of Queen's Bench for Lower Canada (appeal side) reversed the judgment of the Superior Court and dismissed the actions, holding the tax valid. On appeal to the Supreme Court of Canada :

Held, that the cases were not appealable, the appellants not having taken out or been refused, after argument, a rule or order quashing the by-law in question, within the terms of s. 24 (g) of the Supreme and Exchequer Courts Act, providing for appeals in cases of municipal by-laws.

Varenes v. Verchères, 19 S.C.R. 365.

Sherbrooke v. McManamy, 18 S. C. R. 64 followed. Appeal quashed without

costs. *Bell Telephone Co. v. City of Quebec; Quebec Gas Co. v. City of Quebec.* Supreme Court of Canada, April, 1892.

2. LEAVE TO APPEAL — EXTENSION OF TIME—APPLICATION AFTER EXPIRATION OF TIME — EXCHEQUER COURT ACT, 1887, s. 51-53 V., c. 35, s. 1 — GROUNDS FOR EXTENSION.

Where sufficient grounds are disclosed, the time for leave to appeal from a judgment of the Exchequer Court of Canada prescribed by s. 51 of the Exchequer Court Act, as amended by 53 V., c. 35, s. 1, may be extended after such prescribed time has expired. The application in this case was made within three days after the expiry of the thirty days within which an appeal could have been taken.

(2) The fact that a solicitor who has received instructions to appeal has fallen ill before carrying out such instructions, affords a sufficient ground upon which an extension may be allowed after the time for leave to appeal prescribed by the statute has expired.

(3) Pressure of public business preventing a consultation between the Attorney-General for Canada and his solicitor within the prescribed time for leave to appeal, is sufficient reason for an extension being granted, although the application therefor may not be made until after the expiry of such prescribed time. *Clark v. Reginam*, Exchequer Court of Canada, March 1892.

ARREST FOR MISDEMEANOR — See Crim. Law 1.