

the number of which is sufficient to do business." Then the quotation is from Addison: "They were a parcel of nummers, and being himself one of the quorum in his own county."

MR. BOMPAS:—I humbly take that definition as the true one in the sense in which I was using it, as the number necessary to do business. In corporations of indefinite numbers any number form a quorum in the sense of being a sufficient number to do business; in corporations of a definite number the rule has been laid down that the quorum, in the absence of any fixed number, shall be one-half, and in answer to an observation of the Lord Chancellor that the whole number must in that case be summoned there is a case in 5th *Burrows*, page 2599. I am afraid I have not the book with me now. It is the case of *The Queen v. Grimes*, in which Lord Ellenborough, I think it was, laid down that supposing any of the parties were at a distance so that you could assume that they would not meet even if summoned it was unnecessary to summon them.

LORD SELWYN:—That is to say that every opportunity should be given where it could be given.

MR. BOMPAS:—In that case no doubt the Law of Corporations practically is that a quarter of the whole number can decide any point, and whatever may be the reason that keeps the others away, a half only need be present. If one less than the half is present, as in the case cited from the 9 *Barnwell and Cresswell*, the whole thing is void however much they may have been summoned, however much they may have been wilfully kept away, and I apprehend if they come to the meeting and go away, so that there is less than a quorum by the reason of their keeping away, the remainder cannot do their business.

Well then, my learned friend the Attorney-General cited a passage from *Grindley v. Barker* which I am much obliged to him for calling your Lordships' attention to, in which it is expressly said that to a case like that the Law of Corporations as to half forming a quorum does not apply, but it was said that in that case the whole number took the place of the half in the case of the Law of Corporations.

LORD SELWYN:—I thought the Attorney-General did not put it quite correctly and I think you do not. What was said there was that the triers in that case take the place of those who might be present at a meeting of the corporation.

MR. BOMPAS:—With all respect to your Lordship, I should have thought it really amounted to what I was saying, if half the number were present then they can act by a majority. This, as I understand, says that the six triers take their place, supposing half were present, if one went away the others would be powerless. If the six triers take the place of the half who are present, then if any one of them goes away it would be so. At any rate I might carry it thus far. He expressly says the cases of corporations go further, therefore it is clear that the law of corporations does not apply. If the law of corporations does not apply, I know of no other rule by which you can fix the number that shall be present, except the old rule that where a power is given to a certain number of persons they must all of them exercise it, either by being present and voting against it or in its favour. In the case, in the 7th *Conen*, which I cited, your Lordships remember that the judges expressly put their decision on the fact that the whole body had been present throughout the proceedings and the particular commissioner referred to had only left at the end. That would apply in the English courts. I happened only the other day to be in the Court of Appeal in a case heard before three judges, the minimum who can hear a case, and one of those judges retired before judgment was given, but after the whole of the argument, and the remaining two judges gave the judgment. And I apprehend by the principle of the case in the 7th *Conen* they were able to do so. Supposing one of the judges had retired when the argument was half finished, could it be held for one moment that the