

struck out, and while doing so the applicants James O'Brien and John Kelly applied to be heard in support of their claims. The revising barrister refused to hear them upon the grounds that he had given public notice that the lists would be closed, and had publicly announced that they were closed at the evening sitting on the previous day.

LAWRANCE, J. : This rule must be discharged. The real question is whether the revising barrister has the right of managing the business of his own Court. As far as I can understand the case on the part of the applicants, it is that until their names have been struck off the list they have a right to appear and to be heard. These were claims by people who did not appear, although they had full notice of the times when the barrister would sit to hear them. Having had full notice and not appearing, they have no right, in my opinion, to appear upon the following day. I do not decide whether the revising barrister could be called upon to state a case or whether a *mandamus* to him would lie, because I think that upon the facts the rule must be discharged upon both points.

COLLINS, J. : I am of the same opinion. I am clearly of opinion that no case has been made out under either head of the application. The practice in the revising barrister's Court is not for the convenience of the Court, but for that of the public. In Liverpool, where I had to revise the lists, it used to be necessary to hold night sittings for the convenience of the working classes. I believe it would be very inconvenient to them if they were obliged to sit in Court while the lists were being gone through and their names were dealt with casually as they came up. Mr. Soden seems to have laid down, very properly and in the interests of the public, a rule that he would deal with all the cases in which persons claiming appeared in Court, and afterwards take the clerical work. I think that the revising barrister had adjudicated against the claims of all persons who did not appear, and I do not think that any person had a right to come forward when the revising barrister was sitting simply to do clerical work.

Rule discharged.