

Lieutenant-Governors now holding office, prove that the correctness of this view has been hitherto recognized in practice; and I cannot doubt that your advisers, from the opinions they have expressed, would be equally ready with the late Government to appreciate the objections to any action which might tend to weaken its influence in the future. I have directed your attention particularly to this point, because it appears to me to be important that, in considering a case which may be referred to hereafter as a precedent, the true constitutional position of a Lieutenant-Governor should be defined. The whole subject may, I am satisfied, now be once more reviewed with advantage, and I cannot but think that the interval which has elapsed (and which has from various causes been unavoidable) may have been useful in affording means for a thorough comprehension of a very complicated question, and in allowing time for the strong feelings on both sides, which, I regret to observe, have been often too bitterly expressed, to subside.

"I have, &c.,

"M. E. HICKS-BEACH.

"The Right Hon. the Marquis of Lorne."

On receipt of this despatch, the Governor-General acquiesced in the suggestion of his Ministers, and Mr. Letellier was removed from office. The following was the notification addressed to him:—

QUEBEC, 25th July, 1879.

To the Hon. Luc Letellier de St. Just,

Spencer Wood, Quebec:

SIR,—I am commanded by His Excellency the Governor-General to inform you that, by order of His Excellency-in-Council, passed this date, you are removed from the office of Lieutenant-Governor of the Province of Quebec, and that the cause assigned for such removal, in conformity with the provisions of the 15th section of the British North America Act of 1867, is that after the vote of the House of Commons of the last session, and that of the Senate during the preceding session relative to your conduct as Lieutenant-Governor, your usefulness as such has ceased.

I have the honor to be,

Your most humble and obedient servant,
EDOUARD J. LANGEVIN,
Under-Secretary of State.

The Legislative Assembly of Quebec, which was in session at the time, on being informed of the removal, adjourned, on motion of the Premier.

NOTES OF CASES.

COURT OF QUEEN'S BENCH.

MONTREAL, Dec. 14, 1878.

Sir A. A. DORION, C.J., MONK, RAMSAY, TESSIER and CROSS, JJ.

M., O. & O. RAILWAY CO., appellants, and BOURGOIN, respondent.

Award of Arbitrators—Vagueness of Award—A monthly payment cannot be awarded.

The appellants, in the construction of their railway, found it necessary to take possession of a portion of a quarry which was under lease to the respondent. Proceedings in expropriation were adopted under the Railway Act, 1868, and the rights of both proprietor and lessee were valued by commissioners. The award in favor of the lessee was alone in question. He was awarded the sum of \$35,013, and, in addition, the sum of \$100 a month until the Company should have opened the water course by which the adjacent quarries were drained, and constructed a culvert to protect the water course.

This award was set aside in appeal (Tessier, J., *diss.*), the reason being that the amount of the award was not fixed and determined, but consisted in part of a monthly rent, or the doing of certain work. The judgment of the Court below, which had sustained the award, was reversed.

De Bellefeuille & Turgeon, for appellants.
Doutre & Doutré, for respondent.

COURT OF QUEEN'S BENCH.

[In Chambers.]

MONTREAL, Feb. 27, 1879.

BORROWMAN et al., appellants, and ANGUS et al., respondents.

Appeal in Insolvency cases—No appeal lies to the Supreme Court from final judgment of the Court of Queen's Bench since the passing of 40 Vict. (Can.) ch. 27.

The appellants moved to be allowed to appeal to the Supreme Court, from a judgment of the Court of Queen's Bench, confirming the judgment of the Superior Court (*ante*, p. 92.)

The CHIEF JUSTICE, before whom the application was made in Chambers, refused leave to