## The Canada Law Journal.

VOL. XXVII.

NOVEMBER 2, 1891.

No. 17.

THE Supreme Court of the United States has before it this term some very important cases for argument; among them are the jurisdiction of the United States in the Behring Sea outside the three-mile limit; the constitutionality of the recent anti-lottery legislation, and the right of a state to tax the gross receipts of express companies. While the results may not affect us, the reasons urged pro and con cannot, fail to be of interest as touching matters very near home. We called attention, ante p. 322, to the heavy docket to be disposed of in our neighbors' Supreme Court, and we observe now that there are nearly four hundred cases on the list. The newly organized Courts of Appeal have not as yet lightened the labor of the highest tribunal.

As we go to press the news comes that the Supreme Court has declared the Manitoba Public Schools Act, 1890, ultra vires, reversing the decision of the Court of Queen's Bench, reported ante 120. It will be remembered that the question came up on a summons on behalf of one Barrett to quash certain municipal by-laws of the city of Winnipeg, the applicant contending that the Act was ultra vires. Killam, J., dismissed the summons, and an appeal was taken to the Court of Queen's Bench (Taylor, C.J., Dubuc, J., and Bain, J.). The appeal was dismissed, Dubuc, J., dissenting. An appeal was then taken to the Supreme Court, with the result above stated. The Dominion Government has already stood between the appellant and his costs, and will no doubt continue to do so, for the Manitoba Government will, of course, go to the Privy Council, where the fight will be continued.

In England, as in Ontario, the clergy are exempt from jury service, and some interest naturally was caused by the appearance recently, according to the Law Gazette, of two of the cloth on the grand jury at Bodmin, Cornwall. The sight seemed to have been new to the Cornish bar, as well as to the laity of both professions. We are always glad to see clergy taking advantage of their rights as citizens and assuming the duties pertaining to citizenship, and we have in our own city ministers and churches who insist on paying taxes, to say nothing of those clergymen who invariably exercise their franchise when election time comes round; but we are not accustomed in this country to seeing them in the jury-box, and we are surprised almost that they should wish to be members of that antiquated relic of the middle ages, a grand jury.