

# THE LEGAL NEWS.

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## CURRENT TOPICS AND CASES.

In England, if a question of interpretation of a statute be submitted to a court of appeal, and be decided unanimously by that court, the judgment is, by usage, binding on all inferior tribunals. Here appellate decisions do not appear to be accepted as conclusive, and hence questions which after a good deal of debate have apparently been finally settled by a judgment of the court of appeal, are apt to be raised again a few years later, when the battle has to be fought over again. *Roch v. Thouin*, 3 C. S. 141, furnishes an illustration. The Court of Review at Montreal has gone very fully into a question which had apparently been settled for ever (unless changed by the legislature) in *Pacaud v. Constant*, 4 Q. L. R. 94, a dozen years ago. The judgment of the Court of Review in *Pacaud v. Constant* was rendered after a very full examination of the question, and is reported at length. That decision was unanimously affirmed in appeal by five judges. Probably the judges of the court of appeal did not think it necessary to express their views in writing, as they were simply affirming what had been decided by the Court of Review. At all events the decision in appeal does not appear in the reports. It is noted, however, under the title of *Pacaud & Aikman*, in Mr. Justice Ram-