

Quebec.]

[Nov. 5.]

LARIVIÈRE v. SCHOOL COMMISSIONERS OF CITY OF THREE RIVERS.

Bond in appeal—Schoolmistress—R.S.P.Q., s. 2073—Fees of office—Future rights—R.S.C., c. 135, s. 29 (b).

E. Larivière, a schoolmistress, by her action claimed \$1,243 as fees due to her in virtue of s. 68, c. 15, C.S.L.C. (now s. 2073, R.S.P.Q.), which were collected by the school commissioners of the city of Three Rivers while she was employed by them. At the time of the action the plaintiff had ceased to be in their employ. The Court of Queen's Bench for Lower Canada (Appeal side), affirming the judgment of the Superior Court, dismissed the action.

On a motion to the Supreme Court of Canada to allow bond in appeal, the same having been refused by a judge of the court below, the registrar of the Supreme Court and a Judge in Chambers, on the ground that the case was not appealable,

Held, (1) That the matter in dispute did not relate to any office or fees of office within the meaning of s. 29 (b) of the Supreme and Exchequer Courts Act, c. 135.

(2) Even assuming it did, that, there being no right in future involved, the amount in dispute being less than \$2,000, the case was not appealable.

(3) The words, "where the rights in future might be bound," in said s-s. (b) of s. 29, govern all the preceding words, "any fee of office," etc. *Chagnon v. Normand* (16 S.C.R. 661) and *Gilbert v. Gilman* (16 S.C.R. 189) referred to.

Motion refused with costs.

Ritchie for the motion.

McDougall, contra.

British Columbia.]

[May 21.]

THE SHIP "MINNIE" v. THE QUEEN.

Seal Fishery (North Pacific) Act, 1893 (56, 57 Vict. (U.K.), c. 23, ss. 1, 3, and 4—Judicial notice of Order in Council thereunder—Protocol of examination of offending ship by Russian war vessel—Sufficiency of—Presence within prohibited zone—Bona fides—Statutory presumption of liability—Evidence—Question of fact.

The Admiralty Court is bound to take judicial notice of an Order in Council from which the court derives its jurisdiction issued under the authority of the Act of the Imperial Parliament, 56 & 57 Vict., c. 23, the Seal Fishery (North Pacific) Act, 1893, without proof.

A Russian cruiser manned by a crew in the pay of the Russian Government, and in command of an officer of the Russian navy, is a "war vessel" within the meaning of the said Order in Council, and a protocol of examination of an offending British ship by such cruiser, signed by the officer in command, is admissible in evidence in proceedings taken in the Admiralty Court in an action for condemnation under the said Seal Fishery (North Pacific) Act, 1893, and is proof of its contents.

The ship in question in this case having been seized within the prohibited waters of the thirty-mile zone round the Komandorsky Islands, fully equipped