to me that this is hyper-critical, and that when a Statute gives equal or concurrent jurisdiction to the Court and to each of its Judges, it is to be presumed that the intention of the law is to make the judgment of the Judge that of the Court.

The second objection is that the judgment is interlocutory and not final, and consequently that the Court of Review had no jurisdiction, and that the Respondent's remedy was an application for leave to appeal to this Court.

The words final and interlocutory have given rise to considerable discussion here and elsewhere. They are relative terms to some extent. We have generally held, in all ordinary procedure, that "final," as regards appeal, means last in the case, but I think there is a great distinction to be made between ordinary and extraordinary procedure. In the latter there can be no remedy by the final judgment. The person subjected to it carries on his contest under a disadvantage which may be fatal. For instance, would it not be absurd, if a litigant's whole property were locked up by a sequestration, to say to him, this is not final, go on and contest as you can, the final, meaning last possible, judgment in the case will do you ample, if tardy justice. There is an appeal on a *Capias* and on an attachment, why should there be none on the appointment of a *sequestre*? Where there is the same reason for a thing there should be the same law. But it is said the Statutes allow the appeal in these cases. It seems to me that these are statutory recognitions that extraordinary proceedings, the injury of which cannot be rectified, should be appealable as final judgments.

Again, article 885 C. C. P. enacts that "orders of sequestration are executed provisionally, notwithstanding and without prejudice to any appeal." There is therefore no interest to be injured by the party sequestrated pursuing his appeal. I therefore think that the judgment of the Judge in Chambers is that of the Superior Court and that it has that sort of finality which permits the party complaining of it to appeal *de plano*.

On the merits it seems to me that there is nothing to be said. The sequestration of the property of the possessor under title from the public lands department could scarcely be justified, until perhaps there was a judgment against the possessor, in favour of some one with a better title. I am to confirm.

Dorion, C. J., dissented.

Judgment confirmed.

T. P. Foran for appellant.
R. Laflamme, Q. C., counsel.
L. N. Champagne, for respondent.
S. Pagnuelo, Q. C., counsel.

COURT OF QUEEN'S BENCH.

Montreal, September 19, 1883.

Dorion, C. J., Monk, Ramsay, Cross and Baby, JJ.

Montreal Telegraph Co. et al. (defts. below), Appellants, and Low (plff. below), Respondent.

Corporation—Lease by Telegraph Company—Action by shareholder.

Held, reversing the judgment of Rainville, J., (5 Legal News, 12), that the Montreal Telegraph Company had authority to make the agreement in question with the Great North Western, and that the plaintiff had not established such interest as entitled him to maintain an action in his own name for the rescission of the contract.

The Court (Dorion, C. J., and Ramsay, J., dissenting) reversed the judgment of the Superior Court, Rainville, J., reported in 5 Legal News, p. 12, and maintained the lease. The following is the judgment of the Court:

"Considering that the respondent has failed to show or prove any damage occasioned to himself personally, resulting from the matters by him complained of in this cause, and has likewise failed to show that he has such right or interest as entitles him to maintain an action, more especially in his own name and on his own behalf;

"And considering that it has been shown and established that the appellants had good right and sufficient authority to entitle them to make and carry out the agreement herein complained of by the respondent;

"And considering that there is error in the judgment herein rendered by the Superior Court at Montreal on the 31st day of December, 1881, doth reverse, annul and set aside the said judgment, and proceeding to render the judgment which the said Superior Court ought to have rendered, doth dismiss the action and complaint of the said respondent with costs, as well of this Court as of the said Superior Court (Hon. Sir A. A. Dorion, C.J., and Mr. Justice Ramsay dissenting).

Judgment reversed.

Abbott, Tait & Abbotts, for Montreal Telegraph Company.

Doutre, Joseph & Dandurand for the Great North Western Company.

Maclaren & Leet for respondent.
S. Bethune, Q. C., counsel.