

The Legal News.

Vol. VI. AUGUST 18, 1883. No. 33.

APPEALS TO THE PRIVY COUNCIL FROM THE SUPREME COURT.

Some months ago (5 Legal News, p. 401), we noticed an expression of opinion by the Judicial Committee of the Privy Council, in *Bank of New Brunswick v. McLeod*, to the effect that the Committee would not recommend the exercise of the prerogative of the Crown to grant special leave to appeal "except in cases of general interest and importance, and then only when it manifestly appears that the Court below have erred in a matter of law." In a more recent case, *Canada Central Ry. Co. v. Murray*, in which judgment was rendered in May last, this rule has been reiterated. In the case mentioned, an application was made for leave to appeal from a judgment of the Supreme Court of Canada, but their lordships found that the questions raised involved no issue except one of fact, and they held that an appeal would not be allowed where the only issue raised is one of fact. The concluding observations of the Judicial Committee are deserving of attention:—"Their lordships are also desirous in this case to lay down the rule, that they will in future expect parties who are petitioning for leave to bring an appeal before this Board, to state succinctly, but fully, in their petition the grounds upon which they make that demand. They will certainly expect that parties will confine themselves in future to the petition, and will not wander into extraneous matter, such as the record and proceedings in this case, over which the Board until an appeal is permitted and brought, have no control whatever, and which they cannot accept on an *ex parte* statement which an application of this kind is."

AMERICAN BAR ASSOCIATION.

The sixth annual meeting of the American Bar Association will be held at Saratoga Springs on the 22nd, 23rd and 24th days of August. Among the features of the meeting will be the address by the President of the Association, Alex. R. Lawton, of Georgia; a paper by R. G. Street, of Texas, on "How far considerations of Public Policy may enter into judicial decisions;" a paper by Simon Sterne, of New York, on "Slipshod and Corrupt Legislation, and the remedy;" the Annual Address by J. W. Stevenson, of Kentucky; a paper by S. E. Baldwin, of Connecticut, on "Preliminary Examinations in Criminal Proceedings," and a paper by J. M. Shirley, of New Hampshire, on "The Future of our Profession."

NOTES OF CASES.

COURT OF QUEEN'S BENCH.

MONTREAL, September 20, 1882.

DORION, C. J., MONK, RAMSAY, CROSS, and BABY, JJ.

SAUVÉ (def. below), Appellant, and BOILEAU (petr. below), Respondent.

Election of School Commissioner—Demand of Poll.

It is necessary that five electors should demand a poll, in the case of the election of a School Commissioner.

Where an election of School Commissioner has been held under circumstances which are unusual and which lead the Court to believe that there has been a surprise of the electors, and that they have been debarred from exercising their right to vote, the election will be annulled.

The judgment appealed from in this case was rendered by the Superior Court, district of Terrebonne, Bélanger, J., on the 14th of December, 1881, declaring the election of the appellant, Joseph Sauvé, to the office of School Commissioner to be null, and holding that Antoine Ladouceur was duly elected.

The complaint was that the appellant, Joseph Sauvé, had usurped the office of School Commissioner of the parish of St. Placide, to which Antoine Ladouceur was properly entitled, and the petitioner Boileau asked that Sauvé be dispossessed of the office in favor of Ladouceur. The question was whether Ladouceur or Sauvé had been legally elected. It was claimed that Ladouceur was duly elected School Commissioner at a meeting held at the church door of the parish. It appeared, however, that at the time the notice for this meeting at the church door was given, notice of another meeting for the same purpose was given, to take place at the residence of Ephrem Raby. An effort was made to combine the meetings, and have one at the church door, but some of the electors met at Raby's and Sauvé was elected, a poll demanded in favor of Ladouceur being refused by the chairman. The meeting at Raby's was called by C. Raby, the newly appointed Secretary-Treasurer of the Commissioners. The other meeting was called by one Leroux, who had ceased to be Secretary-Treasurer on the 7th