

REPORTS AND NOTES OF CASES.

Dominion of Canada.

SUPREME COURT.

Alta.] FINSETH v. RYLEY HOTEL Co. [Nov. 2, 1910.

Appeal—Jurisdiction—Special leave—Judicial proceeding—Discretionary order—Matter of public interest—Alberta Liquor License Ordinance, s. 57—Originating summons.

An originating summons issued by a judge of the Supreme Court of Alberta on an application for cancellation of a license under s. 57 of the Liquor License Ordinance, is a judicial proceeding within the meaning of s. 37 of the Supreme Court Act, R.S.C. 1906, c. 139, and, consequently, the Supreme Court of Canada has jurisdiction to entertain an application for leave to appeal from the judgment of the Supreme Court of Alberta thereon.

Where the decisions of the provincial courts shew that the judges of that court are equally divided in opinion as to the proper construction of a statute in force in the province and it appears to be desirable in the public interest that the question should be finally settled, it is proper for the Supreme Court of Canada to exercise the discretion vested in it for the granting of special leave to appeal under the provisions of s. 97 of the Supreme Court Act. GIROUARD, J., dissented on the ground that the proceedings in question were intended to be summary and that in these circumstances, the case was not one in which special leave to appeal should be granted.

Motion granted.

Chrysler, K.C., for the application. Ewart, K.C., contra.

Que.] [Nov. 2, 1910.

TOWN OF OUTREMONT v. JOYCE.

Appeal—Jurisdiction—Matter in controversy—Instalment of municipal tax—Collateral effect of judgment.

In an action instituted in the Province of Quebec to recover the sum of \$1,133.53 claimed as an instalment of an amount exceeding \$2,000, imposed on the defendant's lands for special