

## The Legal News.

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### FEDERAL AND LOCAL JURISDICTION.

A bill to incorporate the Canada Provident Association having been referred to the Supreme Court to report thereon, Justices Strong, Henry, Taschereau and Gwynne concur in the following report:—

"We are of opinion that the Bill intituled: 'An Act to incorporate *The Canada Provident Association*,' referred by the Honorable the Senate for the opinion of the Supreme Court, is not a measure which falls within the class of subjects allotted to Provincial Legislatures, under Section 92 of the British North America Act, 1867."

Chief Justice Ritchie and Mr. Justice Four-  
nier report as follows:—

"We think the Bill intituled: 'An Act to incorporate *The Canada Provident Association*,' having for its objects the carrying on of business and operating throughout the Dominion of Canada, is a measure which does not fall within the class of subjects allotted to the Provincial Legislatures, under Section 92 of the British North America Act, 1867.

"But we are not, in the very short time allowed us for consideration, prepared to say that so much of Section 1 as enables this Company to hold and deal in real estate beyond what may be required for their own use and accommodation, or so much of Section 2 as enacts that, 'such fund or funds shall be exempt from execution for the debt of any member of the Association, and shall not be liable to be seized, taken or appropriated by any legal or equitable process to pay any debt or liability of any member of the Association,' are *intra vires* the Parliament of Canada.

"We think, before a positive opinion is expressed on these clauses, the matter should be argued before the Court."

### COUNSEL FEES.

The judgment of the Exchequer Court in *Doutre v. Reg.*, was on the 14th instant confirmed by the Supreme Court, the Chief Justice

and Mr. Justice Gwynne dissenting. This was a case in which Mr. Doutre, Q. C., sued to recover fees for professional services as counsel before the Fisheries Commission. The Exchequer Court fixed the remuneration at \$50 per day for services, besides \$20 per day for expenses, making \$70 per day, for 240 days over which the engagement extended. See 3 Legal News, p. 297, 4 Legal News, pp. 18, 34.

### APPEAL FROM SUPREME COURT.

The Judicial Committee of the Privy Council have granted leave to appeal from the judgment of the Supreme Court in the case of *Dupuy & Ducondu*, which has occasioned so much discussion. Leave to appeal, is granted, of course, on special application, as in the case of *Cushing & Dupuy* (3 L. N., p. 171.)

### THE SUPREME COURT BILL.

The bill which proposed to take judges from the lower Courts to sit as judges-in-aid at Ottawa, has been abandoned. The scheme, apparently, did not meet the views of any section of the bar, and would, in fact, only increase the difficulties which it was designed to overcome.

### NOTES OF CASES.

#### SUPERIOR COURT.

MONTREAL, April 29, 1882.

Before JOHNSON, J.

GEDDES v. DOUDIET, and ROBERTS, T. S.

*Saisie Arrêt—Seizure of Wages.*

Where an employer has contracted with his workman to pay him his wages in advance, a seizure made at 2 p.m. on the day on which the wages are payable under the agreement is inoperative.

PER CURIAM. The plaintiff contests the declaration of the garnishee in this case—who declared that he owed the defendant (plaintiff's debtor) nothing. It appears that the defendant was his servant, and by their agreement, he was to work for his employer only on getting paid in advance. The payment became due the day of the seizure which took place (it is said) at 2 p.m., and the wages were paid at 4 p.m., under a pre-existing agreement to prepay fortnightly. There is no evidence adduced,