

No roll has to be signed by any barrister or solicitor practising in the Supreme Court of Canada.

SESSIONS AND QUORUM.

27. Any five of the judges of the Supreme Court shall constitute a quorum and may lawfully hold the Court. 51 V., c. 37, s. 1.

See also sections 30 and 31.

28. It shall not be necessary for all the judges who have heard the argument in any case to be present in order to constitute the court for delivery of judgment in such case, but in the absence of any judge, from illness or any other cause, judgment may be delivered by a majority of the judges who were present at the hearing. 51 V., c. 37, s. 1.

29. Any judge who has heard the case and is absent at the delivery of judgment, may hand his opinion in writing to any judge present at the delivery of judgment, to be read or announced in open court, and then to be left with the registrar or reporter of the court. 51 V., c. 37, s. 1.

These provisions have been considered by the Court sufficiently wide to enable judgment to be given by a majority of judges in cases in which one of the five judges who constituted the quorum of the Court for hearing such cases died before the delivery of judgment.

It is not clear whether or not this section requires a majority of the judges who heard a case argued to be actually present in court to deliver the judgment. It is open to the construction that only one judge need be present, and he may read or announce the opinions of the others and leave them with the registrar or reporter.

30. No judge against whose judgment an appeal is brought, or who took part in the trial of the cause or matter or in the hearing in a court below, shall sit or take part in the hearing of or adjudication upon the proceedings in the Supreme Court.

2. In any cause or matter in which a judge is unable to sit or take part in consequence of the provisions of this section, any four of the other judges of the Supreme Court shall constitute a quorum and may lawfully hold the court. 52 V., c. 37, s. 1.

On May 9th, 1894, in the case of *Grant v. Maclaren*, a question arose under this section as to the right of Mr. Justice King to hear the case, he having heard the argument before the Supreme Court of New Brunswick, though he took no part in the judgment of that court, and had not presided at the original hearing. The other members of