The Legal News.

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A curious question of criminal law has arisen in Virginia. Mrs. Virginia Taylor was indicted and tried for the murder of her husband by poison, and was convicted of murder in the second degree. The Court set aside the verdict as contrary to law, as the statute makes murder by poisoning murder in the first degree. Afterwards, on the application of the prisoner, she was discharged without any further trial or proceeding, the Court basing its action in discharging her upon the statute which provides that 'if the verdict be set aside and a new trial granted the accused, he shall not be tried for any higher offence than that of which he was convicted on the last [first] trial.' (Code, § 4040.) The Court, in discharging the accused under the circumstances, by implication, if not expressly, held that a conviction of murder in the second degree was unwarranted by the law, and, as the statute quoted prohibited a conviction of murder in the first degree, and as the facts would not warrant a conviction of a lesser offence, the prisoner had to be discharged.

It is not imperative to file a *factum* before the Queen's Bench where the appeal is interlocutory, but counsel may do so if they wish, and it will be included in the taxation of costs. But if the *factum* is filed with the Clerk of the Court, the usual fee must be paid.

The death of Mr. Justice Sicotte, an ex-judge of the Superior Court of this Province, occurred at St. Hyacinthe on the 5th instant, at the age of 77. Mr. Sicotte was born in 1812; educated at the College of St. Hyacinthe; called to the Bar in 1838, and created a Q.C. in 1854. He filled several offices in the Government prior to his elevation to the bench, among others that of attorney-general in the Macdonald-Sicotte administration formed in 1862. Mr. Justice Sicotte was appointed to the district of St. Hyacinthe, but frequently sat at Montreal, more especially in the Court of Review, and enjoyed an excellent reputation as a learned and able Judge.

JUDICIAL COMMITTEE OF THE PRIVY COUNCIL.

LONDON, July 27, 1889.

Present: LORD WATSON, LORD HOBHOUSE, SIR BARNES PEACOCK, SIR RICHARD COUCH.

LA CITÉ DE MONTRÉAL (plaintiff), Appellant; and LES ECCLÉSIASTIQUES DU SÉMINAIRE DE ST. SULPICE (defendants), Respondents.

Special leave to appeal—Principles upon which appeal from decision of Supreme Court is allowed—Exemption of educational institutions—District rate for drainage improvements.

The City of Montreal petitioned for leave to appeal from the judgment of the Supreme Court of Canada, 12 Leg. News, p. 178, reversing the judgment of the Court of Queen's Bench, Appeal Side, at Montreal, M. L. R., 4 Q. B. 1, and holding that the exemption from municipal taxes enjoyed by educational establishments under 41 Vict. (Q.), c. 6, sect. 26, extends to taxes imposed for special purposes, *e.g.*, the construction of a drain in front of their property.

The judgment of their lordships was delivered by

LORD WATSON:—

This is a petition at the instance of the Municipal Corporation of the City of Montreal, for leave to appeal from a judgment of the Supreme Court of Canada, by which the Seminary of St. Sulpice, which is within the boundaries of the city, has been exempted from payment of a sum of $361.90, about £70 sterling, being the proportion charged upon it, by the petitioners, of a special assessment made by them for the cost of constructing a main drain which runs in front of its premises. The Supreme Court, by a majority of four to one (Ritchie, C.J., being the dissentient Judge), reversed the decision of the Queen's Bench for Lower Canada, which was

also pronounced by a majority of four to one, and restored the judgment of Loranger, J., the Judge of First Instance.

In considering applications of this kind, it is necessary to keep in view that the Statute of Canada, 38 Vict., cap. 11, which established the Supreme Court of the Dominion, does not give to unsuccessful litigants a direct right, either absolute or conditional, to appeal from the decisions of that tribunal. Section 47 expressly declares that no appeal shall be brought from any judgment or order of the Supreme Court to any Court established by the Parliament of Great Britain and Ireland by which appeals or petitions to Her Majesty in Council may be ordered to be heard; but saves any right which Her Majesty may be graciously pleased to exercise by virtue of her Royal prerogative.

It is the duty of their Lordships to advise Her Majesty in the exercise of her prerogative, and in the discharge of that duty they are bound to apply their judicial discretion to the particular facts and circumstances of each case as presented to them. In forming an opinion as to the propriety of allowing an appeal, they must necessarily rely to a very great extent upon the statements contained in the petition with regard to the import and effect of the judgment complained of, and the reasons therein alleged for treating it as an exceptional one, and permitting it to be brought under review. Experience has shown that great caution is required in accepting these reasons when they are not fully substantiated, or do not appear to be *prima facie* established by reference to the petitioner's statement of the main facts of the case, and the questions of law to which these give rise. Cases vary so widely in their circumstances that the principles upon which an appeal ought to be allowed do not admit of anything approaching to exhaustive definition. No rule can be laid down which would not necessarily be subject to future qualification, and an attempt to formulate any such rule might therefore prove misleading. In some cases, as in *Prince* v. *Gagnon* (8 Ap. Ca. 103), their Lordships have had occasion to indicate certain particulars, the absence of which will have a strong influence in inducing them to advise that leave should not be given, but it by no means follows that leave will be recommended in all cases in which these features occur. A case may be of a substantial character, may involve matter of great public interest, and may raise an important question of law, and yet the judgment from which leave to appeal is sought may appear to be plainly right, or at least to be unattended with sufficient doubt to justify their Lordships in advising Her Majesty to grant leave to appeal.

The exemption which the Supreme Court has sustained in the present instance is a statutory one. The petitioners narrate the 77th section of the Consolidated Statutes of Lower Canada, cap. 15, and then proceed to allege that the effect of the judgment will be "to determine the future liability (meaning "apparently non-liability) of buildings set "apart for purposes of education, or of reli- "gious worship, parsonage houses, and chari- "table and educational institutions and "hospitals, to contribute to local improve- "ments carried out in their interests and for "the benefit of their properties." Had that statement been well founded, it might have been an important element in considering whether leave ought to be given. But it is plainly erroneous. The statute in question, which relates to "public education," exempts the properties above enumerated from educational rates levied for the purposes of the Act, and from no other rates.

The clause upon which the judgment of the Supreme Court proceeded is Section 26 of the Statutes of the Province of Quebec, 41 Vict., cap. 6, which is an Act to amend the laws respecting public instruction. It enacts that "Every educational institution receiving no "grant from the Corporation or Municipality "in which they are situated, and the land on "which they are erected, and its depend- "encies, shall be exempt from municipal and "school taxes, whatever may be the Act or "charter under which such taxes are "imposed, notwithstanding all provisions to "the contrary."

The Seminary of St. Sulpice admittedly does not receive any grant from the Corporation of the City of Montreal, and is therefore within the benefit of the exemption created by Section 6, and the only issue raised

between the parties is, Whether a district rate for drainage improvements, levied from that portion of the municipal area which directly benefits by its expenditure, is or is not a municipal tax within the meaning of the clause?

The petition does not set forth the source from which the petitioners derive their authority to execute such improvements as drainage, and to assess for their cost. Powers of that description are entrusted to municipal bodies, presumably in the interest of the public, and not for the interest of private owners, although the latter may be benefited by their exercise. *Prima facie*, their Lordships see no reason to suppose that rates levied for improvements of that kind are not municipal taxes, and at the hearing of the petition their impression was confirmed by a reference to the General Municipal Acts for Lower Canada. The Counsel who appeared for the petitioners stated, however, that their powers are derived, not from the General Acts, but from a Charter, the terms of which were neither referred to nor explained. If the terms of the Charter materially differ from those of the General Acts, that deprives the case of any general importance. But it is quite possible that the concluding words of Section 6 may have been purposely introduced by the Legislature in order to secure uniformity of exemption, whatever might be the terms in which the power to assess was conferred; and that, consequently, in construing the clause, the expression "municipal taxes" ought to be interpreted according to its general acceptation, and not according to the meaning which it might be held to bear in some Charter or Statutes applicable to particular municipalities.

In these circumstances their Lordships are not prepared to advise Her Majesty that the petitioners ought to have leave to appeal. If such questions are, as they say, of frequent occurrence in the city of Montreal they may have the opportunity of obtaining the decision of this Board in another case, upon appeal from the Court of Queen's Bench for the Province. The petition must therefore be dismissed.

Leave to appeal refused.

THE JESUITS' ESTATES ACT.

The following reports have been made by the Attorney-General and Solicitor-General of England, on the Act passed by the Legislature of the Province of Quebec, intituled: "An Act respecting the settlement of the Jesuits' Estates."

Law Officers to Colonial Office.

ROYAL COURTS OF JUSTICE,

July 9th, 1889.

We have taken the matter into our consideration and, in obedience to your Lordship's commands, have the honor to report—

That, in our opinion, the decision arrived at by the Governor-General not to interfere with the operation of the Provincial Act in question was right and constitutional.

We have, &c.,

(Signed) RICHARD E. WEBSTER,
" EDWARD CLARKE.

The Right Hon. Lord Knutsford.

Law Officers of the Crown to Lord Knutsford.

ROYAL COURTS OF JUSTICE,

31st July, 1889.

In obedience to your Lordship's commands we have the honor to report—

That we are of opinion that the Act was clearly within the powers of the Provincial Legislature, and that there is no ground for a reference to the Judicial Committee of the Privy Council.

We have, &c.,

(Signed) RICHARD E. WEBSTER,
" EDWARD CLARKE.

The Right Honourable
Lord Knutsford, G.C.M.G.

The following is a copy of a report of a committee of the honorable the Privy Council of Canada, approved by His Excellency the Governor-General-in-Council on the 3rd August, 1889:—

The committee of the Privy Council have had under consideration the petition of Mr. Hugh Graham, of the city of Montreal, requesting your Excellency to refer to the Supreme Court of Canada for hearing and consideration an enquiry as to the constitu-

tionality of the Acts of the Legislature of the Province of Quebec, intituled respectively "an Act to incorporate the Society of Jesus" (50 Vic., cap. 38) and "an Act respecting the settlement of the Jesuits' Estates" (51-52 Vic., cap. 13). The Minister of Justice, to whom the said petition was referred, has submitted a report thereon, dated 10th day of July, 1889, stating that for the reasons therein set forth, the request of the petitioner is not one that can properly be complied with, and recommends that the petitioner be so informed, and that the certified cheque on the Bank of Montreal, payable to the order of the Deputy Minister of Finance, for the sum of $5,000 deposited by Mr. Graham as an evidence of his willingness to bear the necessary costs of the Government in the matter of such reference, be returned to him.

The committee concur in the said report and the recommendations therein contained, and submit the same for Your Excellency's approval, and they advise that the Secretary of State be authorized to communicate the substance thereof to the petitioner.

(Signed) JOHN J. MCGEE,
Clerk, Privy Council.

REPORT OF THE MINISTER OF JUSTICE.

To His Excellency the Governor-General-in-Council :—

The undersigned has had referred to him the petition of Mr. Hugh Graham, of the city of Montreal, requesting Your Excellency to refer to the Supreme Court of Canada, for hearing and consideration, an enquiry as to the constitutionality of the Acts of the Legislature of the Province of Quebec, intituled respectively, "An Act to incorporate the Society of Jesus" (50 Vic., cap. 38), and "An Act respecting the settlement of the Jesuits' Estates (51-52 Vic., chap. 13), and he has the honor to report as follows :—

The former of these Acts—"An Act to incorporate the Society of Jesus"—was assented to by the Lieutenant-Governor of Quebec, and went into force on the 18th day of May, 1887, and no request has been made for its disallowance, nor was any question raised as to its validity, so far as the undersigned is aware, until nearly eight months after the passage of the second of the two statutes mentioned in Mr. Graham's petition, the "Act respecting the settlement of the Jesuits' Estates," which was assented to, and went into force the 12th of July, 1888.

It may be further observed, as regards the Act of incorporation above mentioned (of 1887), the validity of which has lately been called in question, that that Act differs only from the Act incorporating the Jesuits passed by the Quebec Legislature eighteen years ago (chapter 46 of 1871) to which no exception has ever been taken, so far as the undersigned is aware, in that the Act of 1871 incorporates the Jesuits living within the city of Quebec, while the Act of 1887 is co-extensive with the provincial jurisdiction, and it differs also in certain other matters of mere detail, which do not appear to concern the validity of the enactment in any way. Mr. Graham informs your Excellency that "grave doubts have been expressed and exist regarding the legality and constitutionality" of the two Acts, first above mentioned, and that "it is desirable that an opinion should be pronounced upon the Acts by the highest judicial tribunal in the Dominion." He appears to have no other interest in the subject than as "a citizen of the Dominion of Canada and a taxpayer of the Province of Quebec." He is, no doubt, actuated by public spirit and by a desire to aid in removing causes of uneasiness and perplexity from the public mind.

In his position as "a citizen of the Dominion of Canada and a taxpayer of the province of Quebec" his rights, in respect to all such questions as may arise under the two statutes which his petition refers to, are mainly, if not altogether, under the care of the Legislature and Government which have been chosen to administer public affairs in that province under the provisions of the British North America Act. To state this proposition more explicitly, and to point out what appears to be the petitioner's position under the constitution as "a citizen of the Dominion and taxpayer of the province" in regard to the enactments which he now desires to be made the subject of judicial decision, the undersigned begs to call attention to the following points :—

1. The petitioner was duly represented in

the Legislature by which these enactments were adopted, and his representatives there seem to have concurred in the adoption of both these statutes almost with unanimity.

2. He had the right of petition and remonstrance against the adoption of these enactments. He has not informed your Excellency whether he availed himself of that right.

3. If he does not partake of the doubts which he informs your Excellency "have been expressed and exist regarding the legality and constitutionality" of these Acts, it would seem reasonable that he should leave to those who are immediately interested, and who, perhaps, entertain the doubt which his petition refers to, the duty of having the validity of these Acts determined by the Courts, or of addressing to your Excellency such arguments as might indicate that their doubts are well founded and reasonable.

4. If the petitioner shared these doubts, he had, further, the opportunity of representing them to your Excellency and of showing what they were founded on, before the dates when your Excellency signified to the Lieutenant-Governor of Quebec that these Acts, respectively, would be left to their operation. Ample opportunity was afforded for such expression, as both the Acts remained without action being taken on them by the Government of Canada for several months after their final passage in the Province of Quebec. The petitioner did not make his present request until long after your Excellency had intimated that the Acts referred to would be left to their operation, and until, by lapse of time in the case of the Incorporation Act, as well as by the obligations of public faith and honor in regard to both of them, it had ceased to be in your Excellency's power to interfere with their operation.

5. The petitioner has still the opportunity of calling the attention of the Government of his province to the desirability that the statutes referred to should not be acted on, by the transfer of the public money and property being completed, as contemplated by the "Act respecting the settlement of the Jesuits' estates" until the doubts referred to have been set at rest.

6. The petitioner has, furthermore, the opportunity of calling on the Attorney-General of his province to take legal proceedings, in accordance with the law of his own province, to test the validity of the Act of Incorporation. If that Act should be decided to be invalid and unconstitutional there can be little doubt that the second Act will be nugatory, as the grant of money and land which the second Act authorizes is, by its terms, to be made to the corporation established by the "Incorporation Act." It does not appear that the petitioner has made any such application to the Attorney-General of Quebec, but it may be proper for the undersigned to call the attention of your Excellency to the explicit provisions on this subject in the Code of Civil Procedure of the province of Quebec.

Articles 997 and 998 of that Code, as amended, read as follows:—

997. "In the following cases:—

1. "Whenever any Association or number of persons act as a corporation without being legally incorporated or recognized;

2. "Whenever any corporation, public body, or board, violates any of the provisions of the Acts by which it is governed, or becomes liable to a forfeiture of its rights, or does or omits to do acts the doing or omission of which amounts to a surrender of its corporate rights, privileges and franchises, or exercises any power, franchise or privilege which does not belong to it, or is not conferred upon it by law:—

"It is the duty of Her Majesty's Attorney-General for Lower Canada to prosecute, in Her Majesty's name, such violations of the law, whenever he has good reason to believe that such facts can be established by proof, in every case of public general interest; but he is not bound to do so in any other case unless sufficient security is given to indemnify the Government against all costs to be incurred upon such proceeding: and in such case the special information must mention the names of the person who has solicited the Attorney-General to take such legal proceedings, and of the person who has become security for costs."

"998. The summons for that purpose must be preceded by the presenting to the Superior Court, or to a judge, of a special information, containing conclusions adapted to the nature of the contravention, and supported by an affi-

davit to the satisfaction of the Court or judge; and the writ of summons cannot issue upon such information without the authorization of the Court or judge.

"This writ, as well as the writs of *quo warranto*, mandamus, and prohibition, shall be in the same form as ordinary writs of summons."

These articles seem to afford ample means of testing the validity of the Act of incorporation. The Society of Jesus in the province of Quebec is undoubtedly acting as a corporation, as is shown by the preamble to the Act respecting the settlement of the Jesuits' estates, and it is so acting "without being legally incorporated or recognized," as mentioned in Article 997, if the Act of incorporation is invalid. If the doubts which the petitioner refers to are sufficiently grave and well founded to justify your Excellency's interference with such statutes, by insisting on their validity being made the subject of contention in the Courts, they are sufficiently grave and well founded to induce the Attorney-General of Quebec to proceed under the enactments just cited. The petitioner having, by the constitution, as "a citizen and taxpayer" the safeguards and remedies which are above mentioned, it seems unnecessary, and far out of the usual course, that he should pass all these remedies by and ask your Excellency to intervene, by a proceeding which is intended, as the undersigned will presently suggest, for widely different purposes. It may be added here that the questions which he desires to have raised and settled may be raised in the Courts at any time, by any person who has a direct and substantial interest affected by either statute, and that in any litigation which may so occur, or in the proceedings which may be instituted by the Attorney-General of Quebec, at the instance of the petitioner, resort may, and almost inevitably, will be had to the "highest judicial tribunal in the Dominion," which is the Court by which the petitioner alleges "an opinion should be pronounced upon these Acts."

If the Attorney General of the province of Quebec, in view of the specific enactments of the Code of Civil Procedure, before cited, does not deem it proper to interfere, and if no individual having a direct and substantial interest in the questions raised should think it proper to interfere, or should think the doubts to which the petitioner refers not sufficiently grave and well founded to justify legal proceedings being taken, it is difficult to see on what grounds your Excellency should be called on to compel litigation, on the result of which no right of the Dominion of Canada would depend, and which could not even be serviceable as affording a guide to any action on the part of your Excellency's Government. The petitioner, however, considers, evidently, that in addition to the rights and remedies which are above mentioned, he may properly call on your Excellency to exercise, in regard to these Acts, the power conferred on you by "The Supreme and Exchequer Court Act" by referring to the Supreme Court of Canada, for an opinion, the questions which have arisen respecting their validity.

As to this, the following considerations are respectfully submitted: The provision which confers that power on your Excellency was undoubtedly intended to enable the Governor-General to obtain an opinion from the Supreme Court of Canada in relation to some order which his Government might be called on to make, or in relation to some action which his officers might be called on to adopt. For the guidance of your Excellency, or of your officers, the provision may be a valuable one, but, used as a means of solving legal problems in which the Government of Canada has no direct concern, however much they may interest or excite the public mind, as the petitioner seems to propose, or used to compel an adjudication on private rights and interests, it would be perverted, the undersigned humbly submits, into an arbitrary and inquisitorial power, anticipating and interfering with the ordinary course of justice. Used in that manner it would become in time a means of depriving the provincial courts of their functions to a considerable extent, as every important and influential interest affected by legislation would seek the opinion of the Supreme Court of Canada by application to the Governor-in-Council to have such opinion obtained, and the provincial courts would be

in a great degree bound by the opinions so pronounced, however inadequately the parties concerned might have been represented. The rights of parties concerned would be practically concluded without their having had the opportunity which the laws of the respective provinces give them of submitting those rights voluntarily for decision in the mode, and on the proof, which may seem best adapted to elicit a thorough investigation. If the parties interested did not take part in such enquiries before the Supreme Court of Canada, the *ex parte* decision on their rights would be an unsatisfactory method of disposing of the questions involved; if they did participate, under the compulsion of the proceeding by which the Government in sending the question to the court had actually acted as a plaintiff, in calling them to the bar of the tribunal, the Supreme Court would, to that extent, be turned into a court of first instance instead of being what Parliament declared it should be, a court of appeal.

Those whose rights are in any way affected by legal questions should, unless some interest on the part of the Government being involved, a different course is necessary, be permitted to raise and discuss such questions in the form, at the time, and before the tribunal of their own choice, without being hampered by an opinion certified by the highest tribunal on an *ex parte* argument, it may be, or, at any rate, without the presentation of facts and testimony which may have an important influence on the decision which should be arrived at, and which are presented in the course of ordinary legal proceedings.

An enactment similar to that contained in the Supreme and Exchequer Court Act, to which the petitioner refers, exists in England in relation to the Privy Council, and enables Her Majesty's Government to ask the Judicial Committee of the Privy Council to certify an opinion to Her Majesty on questions of law which may be referred to that Committee by Her Majesty. In no case, that the undersigned has been able to find, has that power been used, excepting when some action on the part of Her Majesty's Government or her officers required to be guided by judicial decision, and then very rarely. In no case does it seem to have been used at the instance or on the application of the subject, whether possessing special interest in the question raised, or having only an interest as one of the "citizens and taxpayers" of the country. Of the vast number of colonial statutes which have been passed since that provision was enacted, scores have been disallowed and thousands have been left to their operation, but not one has ever been referred to the Judicial Committee for adjudication on its constitutionality, even when disallowance was petitioned for.

It may be safely concluded, therefore, that the object and scope of the enactment are not to obtain a settlement by this summary procedure of legal questions even of great public interest, or to obtain an adjudication upon private rights, but solely to obtain advice which is needed by the Crown in affairs of administration. This being the case, your Excellency might, not inappropriately, give to the petitioner an answer like that which was given on the 13th December, 1872, by the Registrar of Her Majesty's Privy Council to a request that the opinion of the Judicial Committee might be obtained as to the validity of a statute of New Brunswick. In that answer it was stated that Her Majesty could not be advised to refer to a committee of the Council in England a question which Her Majesty had no authority to determine, and on which the opinion would not be binding on the parties. Indeed, there seems much reason to doubt, both from this authority and from general principles, that the decision of the Supreme Court on such a reference would be binding on any parties or on any interests involved. It would simply advise your Excellency as to the opinions entertained by the members of the Court. The precedents in Canada are like those in Great Britain.

After quoting the Canadian precedents the report continues:—These references were therefore in the line of the references made by Her Majesty's Government, and were in relation to proceedings which the Government of Canada or its members or officers were called on to take with regard to the Act incorporating the Jesuits in the Province of Quebec, and with regard to the "Act Respect-

ing the settlement of the Jesuits' Estates," no such reasons exist for such a reference. Your Excellency has no action to take in respect to the statutes on which advice can be required. The Act of Incorporation was, as before remarked, left to its operation long ago, without a request being made for its disallowance. No power now remains in your Excellency to disallow it. The Act respecting the settlement of the Jesuits' Estates was assented to by the Lieutenant-Governor of Quebec on the 12th day of July, 1888, was transmitted to the Secretary of State of Canada on the 8th day of August, 1888, and on the 19th day of January, 1889, the Lieutenant-Governor of Quebec was notified that it would be left to its operation.

No doubt existed then, or exists now, on the part of your Excellency's advisers that the enactment is within the power of the Legislature of Quebec. After the decision of your Excellency-in-Council that the Act should be left to its operation, and after the notification of the fact to the Lieutenant-Governor of Quebec, it may be doubted whether even the power of disallowance remains, but it seems quite clear that it would be contrary to all constitutional usages that an Act, in respect of which that signification had been formally made, should afterwards be disallowed. The inconvenience of such a practice would be extreme. No provincial statute, even for the incorporation of a company, for the building of a railway, for effecting a loan, for the transfer of property, or, indeed, for any purpose, could be safely acted upon until the expiration of a year from its transmission to the Secretary of State for Canada, even though declared by the Governor-General-in-Council to be unobjectionable lest, within a year, on some new objection being started, it might be disallowed.

Your Excellency is doubtless aware, that, of the hundreds of Acts which have been passed every year by the legislatures in Canada, there are many statutes of doubtful validity, and there have been some which have been declared by the advisers of the Governor-General, from time to time, to be beyond the powers of the legislatures which passed them. Most of these have been left to their operation, and their validity has been left to be tested by those interested in doing so. Indeed, this course has nearly always been followed in the case of Acts of doubtful constitutionality, excepting where some interference with the powers of the Federal Government would result, or where serious confusion or public injury was likely to ensue from such a course. If your Excellency were to be called upon to refer to the Supreme Court the question as to the validity of every enactment in respect of which "grave doubts have been expressed and exist" on the part of persons within the province concerned, or outside of it, a new system, not in force in any other country, one which is of very doubtful utility, considering the facilities which exist in every part of the country for raising and deciding legal questions by the ordinary process of law, and one which may be very burdensome, harassing and expensive for the provincial governments and private persons, will have been established, under an enactment not intended to be so used. The Acts referred to in the petition relate only to the province of Quebec. They do not conflict in any degree with the powers of the Parliament of Canada, or with the rights and powers of your Excellency. They do not concern in any way your Excellency's officers, and they do not affect the revenue or property of Canada or any interest of the Dominion. They should, therefore, in the opinion of the undersigned, be left to the responsibility of those whom the constitution has entrusted with the power to pass enactments relating to "property and civil rights," relating to the public property and money of the province, relating to the "incorporation of companies with provincial objects," "relating to education," relating to matters of "a merely local or private nature in the province," and relating to the other matters which such enactments directly affect.

[To be continued.]

GENERAL NOTES.

CALLS TO THE ENGLISH BAR.—The lists of students of the Inns of Court who have passed in recent examinations, are curiously besprinkled with such names as the following: Ramchandra Shriniwas Chitgupi, Chhotubhai Khandubhai Desai, Pranjivan Jagjivan Mehta, Iyotischandra Mittra, Pestanji Jamasji Padshah, etc. The proportion which the foreign bears to the home element is remarkable.