

NOTES OF RECENT DECISIONS.—CORRESPONDENCE.

An assignee to an insolvent estate is not a judge within the meaning of article 176 of the Code of Civil Procedure, and therefore cannot be recused in the mode prescribed by the Code for the recusation of a judge. Proceedings to disqualify an assignee under the Insolvent Act of 1869, must be taken in the mode prescribed by sect. 137 of the Act. —*Mechanics Bank v. Brown*, 295.

PATENTS OF INVENTION.

Held—That the mere importer of an invention, which has been patented for many years in the United States, by some other party, is not the inventor or discoverer thereof, within the meaning of "The Patent Act of 1869;" and a patent obtained by him under the said Act on the ground that he was the inventor or discoverer, is null and void. —*Woodruff v. Moseley*, 169.

INSURANCE—WAREHOUSE RECEIPT.

Held—1. That goods held under a duly endorsed warehouse receipt, as collateral security for advances, may be properly and legally insured as being the property of the holder of such receipt, being the party who made the advances. —*Wilson v. Citizens' Insurance Company*, 175.

2. That, in an action for the recovery of the insurance of said goods, it is sufficient to establish that goods of the character and brand and of the quantity claimed were actually in the building where the goods were stored at the time of the insurance, and at the time the building and its contents were wholly burnt, without proving the actual identification of the goods described in the warehouse receipt. —*Id.*

ELECTION FOR DOMINION—PLACE OF TRIAL.

Held—That, where the order of the Judge fixing a trial under "The Dominion Controverted Election Act, 1874," omitted to specify the place of trial, no trial could be had, though notice of time and place under sec. 13 had been given to respondent, and he was present in Court. —*Ryan et al. v. Devlin*, 194.

SHIPS—COLLISION.

A steamship, after colliding with a sailing vessel, continued her course, and struck another sailing ship. *Held*, that the steamship, which had disregarded the rules of navigation before the first collision, could not plead the fault of the vessel first struck to a suit brought against her for the second collision. —*The Princess Alexandra*, 195.

LEGISLATIVE ASSEMBLY—JURISDICTION AS TO ARREST.

Held—1. That the Legislative Assembly of the Province of Quebec has power to compel the attendance of witnesses before it, and may order a witness to be taken into custody by the sergeant-at-arms if he refuses to attend when summoned. —*Ex parte Dansefearn*, 210.

2. The omission to state, in the Speaker's warrant of arrest, the grounds and reasons therefor, is not a fatal defect. —*Id.*

3. The Quebec Statute, 33 Vict., cap. 5, is within the powers of the Local Legislature. —*Id.*

HABEAS CORPUS — DISCHARGE — SECOND ARREST.

Held—That a person who has been discharged from custody upon a writ of *habeas corpus*, cannot be arrested a second time for the same cause, or where no new or other cause of arrest is disclosed. And this principle was held to apply, though it appeared that the warrant was quashed on the first occasion by a Judge in Chambers, on grounds which, in a case precisely similar, were subsequently held by the Court to be insufficient. —*Ex parte Duernay* and *Ex parte Cotté*, 248.

COMMON CARRIERS.

Held—That common carriers are responsible for damage caused by fire breaking out upon board of a steamboat, unless such fire was not attributable to their negligence; and the *onus probandi* is upon the carriers to account for the fire and prove that it did not arise from their fault. —*Canadian Navigation Company v. Hayes*, 269.

STREAM—FLOATING LOGS.

Held—That the public have a right of servitude over all streams, whether navigable or not, or floatable or not; and, therefore, a party erecting a dam across a river in such a manner as to obstruct a free passage of floating logs, is liable to such damage as the owner of the logs may suffer by such obstruction. —*McBean v. Carlisle*, 276.

CORRESPONDENCE.

Barristers and Attorneys by Act of Parliament.

TO THE EDITOR OF THE CANADA LAW JOURNAL.

SIR,—The Bill introduced in the Local Parliament, entitled "An Act to enable the Law Society of Ontario to admit Emmanuel Thomas Essery as a barrister-at-law," shows the extent to which special legislation is invoked. All persons ought to undergo the necessary educational training, and incur the expense to prepare them for examination as to their possessing the necessary scholastic attainments, to pass the Law Society. Some of them afterwards attend lectures, keep terms, pass examinations, etc., but the applicant in this case comes forward with a petition setting up that special legislation should be restored to—not because he has ever