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In *Johnson v. Merithew*, before the Maine Supreme Judicial Court, January 28, 1888, it was held that where father and children perish in the same disaster, without any evidence being adduced as to the particulars of the disaster (as in the case of a vessel lost at sea), it will be considered that the father died without issue. The Court said:—"The weight of authority at the present day seems to have established the doctrine that where several lives are lost in the same disaster there is no presumption from age or sex that either survived the other: nor is it presumed that all died at the same moment; but the fact of survivorship, like every other fact, must be proved by the party asserting it. *Underwood v. Wing*, 4 De Gex, M. & G. 633, affirmed on appeal in *Wing v. Angrave*, 8 H. L. Cas. 183; *Neuell v. Nichols*, 75 N. Y. 78; S. C., 31 Am. Rep. 424; *Coye v. Leach*, 8 Metc. 371; 41 Am. Dec. 518, and note of cases, 522. In the absence of evidence from which the contrary may be inferred, all may be considered to have perished at the same moment; not because the fact is presumed, but because from failure to prove the contrary by those asserting it, property rights must necessarily be settled on that theory."

Mr. Justice Globensky died at Montreal, Dec. 2, somewhat less than a year from the date of his appointment to the bench. The late judge was born at Varennes, July 7, 1840. He studied law in the office of Hon. R. Laflamme, Q.C., and was admitted to the bar in 1862. After Confederation, he was appointed Clerk of the Legislative Council at Quebec, which position he held until 1875. In 1876 he entered the firm of which Hon. Mr. Lacoste is the head, and this association existed until his elevation to the bench a year ago.

If policemen act with unnecessary and improper roughness in the execution of their duties, it can hardly be permitted to the citi-

zen to resent it on the spot. He must choose the proper occasion for making his complaint and obtaining redress. If, for example, policemen charged with the duty of keeping a thoroughfare unimpeded during a public ceremony, give offence to A or B, who are in the crowd, any effort of A or B to obtain redress on the spot would inevitably produce a serious inconvenience. In the recent case before the Recorder of Montreal, a policeman who was charged with keeping back the crowd from a window on a crowded thoroughfare, where a robbery had been committed, ordered Mr. Forman, with an oath, to move on. This was, no doubt, extremely improper on the part of the policeman, and more than improper, because it was calculated to provoke a breach of the peace of which he was the guardian. But, on the other hand, the citizen must keep himself strictly within his rights. Mr. Forman seems to have done nothing more than remonstrate at being sworn at; and the matter would have ended there if he had not returned subsequently,—as he says, on business, but the policeman imagined, not unnaturally, that he came to defy him, and forthwith arrested him. The magistrate in such cases has a delicate duty to perform. The circumstances of each case must be carefully considered, and any criticism by those who have not heard all the evidence is open to suspicion. In this case the Recorder, while referring the punishment of the policeman to his chief, suspended sentence upon the defendant, his observations being reported as follows:—

"Il est évident que l'accusé, Forman, et les personnes qui étaient arrêtées sur le trottoir, obstruaient le passage; toutefois, on tolère souvent ces choses, bien que la loi ne permette pas qu'on s'arrête et qu'on gêne la circulation, pourvu que les gens obéissent à la police qui les avertit.

"Dans la cause présente, l'accusé n'a pas obéi, comme les autres, et il est même revenu braver la police. Le constable MacMahon a fait son devoir en l'arrêtant.

"Le constable n'aurait pas dû laisser échapper ce mot 'sacré,' comme il l'avoue lui-même. Il est vrai qu'on s'explique facilement l'impatience du constable, mais il