

The Legal News.

VOL. IV. MARCH 19, 1881. No. 12.

PROPOSED LAW SOCIETY.

At a preliminary meeting held in Montreal on the 11th instant, which was attended by a fair representation of the members of the bar, Mr. W. H. Kerr, Q.C., in the chair, the question of organizing a Law Society was considered, and appeared to meet with general approval. A committee was named to consider the details of the scheme, and to arrange for a general meeting of the bar on the 19th instant.

It would be premature, at the time we write, to discuss a proposal which has not taken definite form. It may be remarked, however, that the suggestion is one which has been made more than once during the last twenty years. It was expressly made in writing, nearly sixteen years ago, by Mr. G. W. Stephens, a prominent citizen, then a young practising member of the bar. His letter on the subject, addressed to the editor of the *Lower Canada Law Journal*, will be found at page 11 of the first volume of that publication.

No doubt excellent results might be expected from such an association. We assume, of course, that it would be co-extensive with the order of the bar itself. It is an elementary principle in mechanics, that the weight of the whole compound is equal to the sum of the weights of the separate elements, and if the influence of the bar organization as a whole is not what might be desired, it could hardly be expected that a section or fragment of it would, as such, exert any greater influence.

PUBLIC LIBRARIES.

The Bench of Massachusetts, it appears, has recently lost an affluent and public-spirited member; for we are told that Judge Forbes, late of the Supreme Court, has bequeathed to Northampton the sum of \$200,000 for the establishment of a public library. The learned Judge does not seem to have been gifted with the prophetic vision which is sometimes popularly attributed to the dying; for he has annexed to his gift the illiberal condition that no minister of religion shall have anything to do with the management of the institution. If the condition be not complied with, the money is to go

to Harvard College. This is not quite so bad as the late Mr. Girard, who willed that no minister of religion should cross the threshold of the buildings which were to be erected by the aid of his munificent bequest; but it indicates either that Judge Forbes was not altogether free from bigotry, or that his experience of the clergy was singularly unfortunate.

Public libraries, however, with or without whimsical, bigoted, or fanatical conditions, are sadly needed. It is much to be regretted that the Fraser bequest, though not hampered by any offensive clause, has thus far failed in its purpose to establish one in Montreal. We doubt whether there is any city of the same size and wealth in the United States so destitute in this respect. It remains for some one to claim the honorable distinction of being the first to endow the chief city of the Dominion with this noble gift.

SUPREME COURT BUSINESS.

We are able to publish in this issue a large number of the recent decisions of the Supreme Court. It is evident that no well-founded complaint exists on the score of promptitude in the dispatch of business. The Court seems to be keeping fairly up to the work devolving upon it. For example, in two cases decided in Montreal during the last December term of the Court of Appeal—*Shaw & Mackenzie*, and *Abrahams v. Regina*—judgment has already been rendered by the Supreme Court. This is certainly expedition enough for all practical purposes, and outdoes the majority of Supreme Courts the world over. It is well that it should be so, because it is probable there will soon be a great increase in the volume of business before the Court, and it is desirable that no ground should be lost while the tribunal is yet in its infancy and has not too much to do.

NOTES OF CASES.

SUPREME COURT OF CANADA.*

OTTAWA, March 3, 1881.

SHAW, Appellant, v. MACKENZIE et al., Respdts.
Capias—Damages—Want of probable and reasonable cause—Art. 798 C.P.C.

This was an appeal from a judgment of the Court of Queen's Bench for the Province of

*Notes by Geo. Duval, Esq., in advance of the regular reports.