execute those who only employed their power in curing disease. In Scotland such persons were unscrupulously put to death. The witches were commonly strangled before they were burnt, but this merciful provision was very frequently omitted. An Earl of Mar (who appears to have been the only person sensible of the inhumanity of the proceedings) tells how, with a piercing yell, some women once broke half-burnt from the slow fire that consumed them, struggled for a few moments with despairing energy among the spectators, but soon, with shrieks of blasphemy and wild protestations of innocence, sank writhing in agony amid the flames."

"Until the close of the seventeenth century, the trials (in Scotland) were sufficiently common, but after this time they became rare. It is generally said that the last execution was in 1722; but Captain Burt, who visited the country in 1730, speaks of a woman who was burnt as late as 1727. As late as 1773, 'the divines of the Associated Presbytery' passed a resolution declaring their belief in witchcraft, and deploring the scepticism that was general.

"In England, three witches had been executed in 1682; and others, it is said, endured the same fate in 1712; but these were the last who perished judicially in England. The last trial, at least of any notoriety, was that of Jane Wenham, who was prosecuted in 1712, by some Hertfordshire clergymen. The judge entirely disbelieved in witches, and accordingly charged the jury strongly in favour of the accused, and even treated with great disrespect the rector of the parish, who declared 'on his faith as a clergyman,' that he believed the woman to be a witch. The jury, being ignorant and obstinate, convicted the prisoner, but the judge had no difficulty in obtaining a remission of her sentence. A long war of pamphlets ensued, and the clergy who had been engaged in the prosecution, drew up a document strongly asserting their belief in the guilt of the accused, animadverting severely upon the conduct of the judge, and concluding with the solemn words, 'Liberavimus animas nostras.'

"It is probable that no class of victims endured sufferings so unalloyed and so intense. Not for them the wild fanaticism that nerves the soul against danger, and almost steels the body against torments. Not for them the assurance of a glorious eternity, that has made the martyr look with exultation on the rising flame, as on the Elijah's chariot that is to bear his soul to heaven. Not for them the solace of lamenting friends, or the consciousness that their memories would be cherished and honoured by posterity. They died alone, hated and unpitied. They were deemed by all mankind the worst of criminals. Their very kinsmen shrank from them as tainted and accursed."

LAW JOURNAL REPORTS.

COURT OF QUEEN'S BENCH.

APPEAL SIDE.

MONTREAL, Sept. 7th.

EVANS, (plaintiff in the Court below) Appellant; and CROSS *et al.*, (defendants in the Court below) Respondents.

Composition—Unfair advantage—Pleading.

To an action on a note, the defendants pleaded an *acte* of composition, alleged to be of later date than the note, to which *acte* the plaintiff was a party, and by which he agreed to take 10s. in the £., and "that by signing said *acte* of composition, the conditions whereof have long since been fulfilled, the plaintiff discharged and released the said defendants from all the claims and rights which the said plaintiff had or might have had, or pretended to have previous to the execution and taking effect of said *acte*."

Held, (*Meredith*, J., and *Duval*, C. J., dissenting) that the plea was sufficient, and that it was not necessary for the defendants to allege that the note sued upon was given to induce the plaintiff to sign the *acte* of composition, or that it secured to him an unfair advantage over the other creditors.

Martin and *Macfarlane* commented upon.

This was an appeal from a judgment rendered by *Smith*, J., in the Superior Court at Montreal, on the 31st of October, 1864, and confirmed by *Smith*, *Berthelot*, and *Monk*, JJ., sitting as a Court of Review, on the 25th of January, 1865. The action was instituted to recover the sum of $213.32, amount of a promissory note made by the respondents in favor of the Appellant, dated May 5th, 1862, and payable twenty four months after date.