

## The Legal News.

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The decision of Mr. Justice Taschereau in the case of *La Municipalité du Village du Mile End v. La Cité de Montréal*, noted on p. 337, was unanimously affirmed on the 4th instant in Review, by Justices Torrance, Mathieu and Mousseau.

The Duke of Marlborough has written a letter to the *Times*, abusing the system of land transfer in England, and abusing still more the lawyers, on whom he places the responsibility of existing evils. The letter shows that a Duke does not figure in a less ridiculous light than other people when he ventures upon unknown ground. It may be remarked that a series of letters upon the same subject has been addressed to the *Times* by Mr. Horace Davey, and in these letters that eminent counsel advocates a reform of the land laws which would introduce a system of registration very much like that which has for some years existed in the Province of Quebec. Mr. Davey proposes the adoption of the numbering on the title maps. The *Law Journal* prefers the six-inch Ordinance Survey Map, which it says is an accurate production, and quite large enough for rural districts.

A person who hissed a singer in a theatre at Lyons, France, was arrested recently, but on appeal he was discharged, the Court holding that he had as much right to express his disapprobation of a performance as others had to express their approval. So, too, it has been held by the Courts in England. In *Clifford v. Brandon*, 2 Camp. 358, Lord Mansfield observed:—"The audience have certainly a right to express, by applause or hisses, the sensations which naturally present themselves at the moment, and nobody has ever hindered or would ever question the exercise of that right." It is otherwise where a conspiracy exists to hiss an actor. In *Gregory v. Brunswick*, 1 C. & K. 24, Tindal,

C.J., observed:—"There is no doubt that the public who go to a theatre have the right to express their free and unbiassed opinion of the merits of the performers who appear upon the stage. At the same time parties have no right to go to a theatre by a preconcerted plan to make such a noise that an actor, without any judgment being formed on his performance, should be driven from the stage by such a scheme probably concocted for an unworthy purpose."

Some landlords will, no doubt, suffer considerably from the epidemic in connection with a certain class of property. And besides loss of rent, the most desirable tenants will next spring not be anxious to go into premises where a loathsome disease has prevailed, whatever the efficacy of the disinfecting process may be. It may be well if their own interest prompts landlords to refuse to lease their property in future to any family which cannot produce a certificate of vaccination. This would go a long way to nullify the pernicious teachings of the anti-vaccinationists, whose fatal influence in Montreal has destroyed three thousand lives, chiefly of innocent and irresponsible children, and cost the citizens many millions of dollars.

### COURT OF QUEEN'S BENCH— MONTREAL.\*

*Motion to quash appeal—Acquiescence—Art. 1130 C. C. P.—Effect of acquiescence of one defendant on his co-defendant.*

HELD:—1. That a letter written by one of the defendants in an hypothecary action to the plaintiff's attorneys after the rendering of the judgment, which condemned them as joint undivided owners of an immoveable to abandon it or pay the plaintiff's claim, and before the institution of the appeal, asking for delay until said defendant could get his *garans* to pay the claim, and promising to settle with the plaintiff if the *garans* did not, constituted an acquiescence in the judgment *a quo* on the part of said defendant, and that his appeal would be dismissed on motion.

\*To appear in full in Montreal Law Reports, 1 Q.B.