

on the maxim of hearing both sides. The proposed change would benefit innocent prisoners, and he doubted if it would be of advantage to the guilty. His Lordship further advocated a Court of Criminal Appeal.

In a recent number of the *Author*, Sir Fred. Pollock criticizes an article on Copyright which had appeared in a previous issue of that periodical. The former writer stated that "literary property is subject to the laws which protect all other property." Sir F. Pollock, in replying, states: "That literary property is recognized and protected by law as something of value is quite true; and probably this is all that the writer meant. But the laws which protect property differ greatly according to the kind of property. Land is not protected in exactly the same way as goods, and a trade-mark and a copyright are again protected by means different from those in use for tangible property, and differing in details from one another. Let not the unwary reader, therefore, imagine that he or she can have a literary pirate dealt with as a thief. Copyright is not, in the legal sense, a thing capable of being stolen." Again: it was asked, "Does anybody take the trouble to secure his copyright in a public lecture?" In reply to this, Sir F. Pollock refers to the well-known case of *Caird v. Sims*, 12 App. Cas. 326.

A correspondent writing to the *Chicago Legal News* records his obligations to that journal, remarking, "in one instance alone a hint obtained from its columns enabled me to obtain a rehearing, and finally win a case in the Supreme Court, and with it a fee of \$3,000 cash, that, but for your journal I should have given up as lost." Similar good fortune has, in several instances, befallen readers of this journal.

COURT OF QUEEN'S BENCH—MONTREAL.*

Tutor—Appeal from Judgment—Authorization—Art. 306, C.C.—Procedure.

Held :—1. That a tutor cannot appeal from a judgment, until he is authorized by the

* To appear in *Montreal Law Reports*, 6 Q.B.

judge, or the prothonotary, on the advice of a family council. (Art. 306, C.C.)

2. That when an appeal has been taken by a tutor without such authorization, and the respondent moves for the dismissal of the appeal for want of authorization, the Court of Queen's Bench sitting in appeal, may continue the motion to the next term, with leave to the appellant to produce the necessary authorization; and on the production thereof, will permit the authorization to be filed on payment of costs of motion.—*Laforce & Le Maire, etc., de La Ville de Sorel*, Dorion, Ch. J., Cross, Baby, Church and Bossé, JJ., Nov. 16, 1889.

Bank—Powers of—Contract of Guarantee—Ultra Vires.

Held :—That a Bank is not authorized to enter into a contract of suretyship guaranteeing the payment by a customer of the hire of a steamship under a charter party.—*Johansen & Chaplin*, Dorion, Ch. J., Tessier, Baby, Church and Bossé, JJ., November 20, 1889.

Sale—Latent defect—Redhibitory Action—Art. 1530, C.C.

Held :—1. Where horses, at the time of their sale, were suffering from glanders, but the disease was not sufficiently developed to be apparent until about twenty days afterwards, and the purchaser then notified the vendor of the fact, and that they would be destroyed if not removed within three days: that a redhibitory action instituted four weeks after the sale and delivery was brought with reasonable diligence.

2. That where evidence is conflicting and evenly balanced (as in this case as to the existence of the disease at the time of the sale), the Court of Appeal will not disturb the decision of the Court below.—*Montreal Street R. Co. & Lindsay*, Dorion, Ch. J., Tessier, Baby, Church and Bossé, JJ., January 22, 1890.

Injury Resulting in Death—Claim of Widow—Prescription—Arts. 1056, 2261, 2262, 2267, C.C.—Verdict—Damages.

The husband of the respondent was injured while engaged in his duties as appellants'