

NEW PUBLICATIONS.

THE PRACTICE IN CIVIL ACTIONS AND PROCEEDINGS AT LAW, in the courts where the Common Law Practice is in vogue ; with the amendments thereto necessary to incorporate the provisions of the Statutes of Maine ; by Joseph W. Spaulding, of the Sagadahoc bar, reporter of the decisions of the Supreme Judicial Court of Maine. Portland : Dresser, McLellan & Co.

This is a work which, though not adapted to the use of the legal profession in the Province in which the majority of our readers reside, is one which we can commend to those who are in quest of a clear and careful exposition of common-law practice. Mr. Spaulding is no novice in the mysteries of procedure, and those who resort to his work will often meet with an unexpected deliverance from perplexity. The arrangement of the work is very good, and everything, apparently, has been cited which could serve to throw light upon the text, or be useful to the practitioner.

THE ODDITIES OF THE LAW, by Franklin Fiske Heard.—Boston : Soule & Bugbee.

The title of this work indicates its character. It is a collection of quaint and amusing sayings of or about legal and judicial personages, perhaps not all strictly authentic, but which may well serve for the diversion of leisure moments.

Some portions of the miscellany we may reproduce hereafter, as space permits. It is only fair to add that this little book is not defaced by the vulgarities which sometimes pass current under the head of legal anecdotes.

NOTES OF CASES.

COURT OF REVIEW.

MONTREAL, Oct. 31, 1881.

JOHNSON, RAINVILLE, JETTE, JJ.

[From S. C., Montreal.

HURTUBISE V. RIENDEAU, and TESSIER, *mis en cause*.
Witness — Officer of Court — Review — Powers of Court of Review.

A bailiff of the Superior Court, who, by the judgment complained of, was suspended, in consequence of his testimony as a witness in the cause, is not a party to the cause in which he was examined, and the Court of Review will not, upon an inscription by him, inquire into the legality of the suspension.

Semble, that the proper mode of seeking redress in such case is by petition to the Superior Court.

The judgment inscribed in Review was rendered by the Superior Court, Montreal, (Mackay, J.), June 27, 1881.

JOHNSON, J. There are two inscriptions in review of this case—1st, the defendant, who had been arrested under a writ of *capias*, petitioned for his discharge, and got it, and the plaintiff inscribes the judgment which liberated him. 2ndly, Louis Tessier, a witness in the case, who happened also to be a bailiff of this court, was found by the learned judge to have been tampered with, and to have sworn falsely ; and he was then and there struck from the list.

There would thus appear to be two cases before us : the plaintiff's case, which he inscribes regularly, and which is met on the merits by the defendant, who supports the judgment, and in my opinion, supports it with reason on his side ; and secondly, there would be the case of this witness, who assumes to inscribe the judgment in so far as it affects him ; and his case would present two points—1st, has he a right to come into review ? is he a party ? and 2ndly, if he has the right, has he been properly dismissed ? In *Ex parte Chartrand*, petitioner, and *Lambert*, respondent, (reported in 3rd volume of Legal News, p. 77), we decided that a bailiff regularly dismissed on petition, and after answer and hearing, had no right to review ; and though it was not expressed, I believe we all felt in that case that his recourse would have been to the appointing power, the Superior Court (not to three Judges sitting here in Review) to get himself reinstated. He may or may not have been properly dismissed. He might or might not have had a right to be put under a rule to answer. We say nothing about that now ; but the fact of his being improperly dismissed, which we by no means assume, would certainly not give jurisdiction to the three judges sitting here in review. How a witness can call himself a party in the case merely because his evidence was animadverted upon by the Judge in giving judgment, with whatever consequences to himself, I cannot understand. Injustice, if any has been done, gives him a right to redress in the right quarter, but not in the wrong quarter. I do not think that an inscription in review by a witness in a case should be received or can be acted upon. The most outrageous consequences would ensue, if