

The Legal News.

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Twenty appeals were heard at Montreal during the term which closed Nov. 27—besides one Crown Case Reserved. The progress with the list would undoubtedly have been more considerable but for the time consumed in hearing applications for leave to appeal from interlocutory judgments. Of these applications, which appear to be on the increase, there were an unusual number in November.

The removal of Mr. Justice Wurtele to Montreal, consequent on his transfer from the Ottawa district, has been retarded by the election case which has been proceeding before his Honour at Aylmer. This engagement will probably prevent the learned Judge from assuming his new duties before the middle of December.

The sudden death of Chief Justice Armstrong removes a member of the bar who, though not a Judge of this province, filled with much credit, for a number of years, the office of Chief Justice of St. Lucia. Mr. Armstrong was born at Berthier in 1821, was educated at the Berthier and Sorel academies, and called to the bar in 1844. In 1864, he was nominated Crown prosecutor for the district of Richelieu, and shortly after won prominence in legal circles by the skill and success with which he conducted the Crown case in the trial of Provencher for the murder by poison of Jutras. In 1871 he was appointed Chief Justice of St. Lucia, W. I., and in 1880 to the same position in Tobago, holding the two offices conjointly. In conjunction with Sir J. W. Desveaux, the governor of the colony, he prepared the Civil Code of St. Lucia, based largely on that of Quebec in civil matters, the island, like this province, having been originally a French possession. He also prepared a code of civil procedure for the island courts, and aided in the passage of a statute enacting that the

criminal and commercial law of England should prevail in the colony. For these services he was created a C.M.G., and received the thanks of the legislature. In transmitting to the colonial secretary the complimentary resolutions passed by the legislature on his resignation in 1881, the Governor wrote of Chief Justice Armstrong's work:—"Measures such as these will stamp Mr. Armstrong's term of office as one which, whilst reflecting the greatest credit on himself, will be remembered on this island for the inauguration of a new and more simple machinery for the administration of law and justice." In 1886, Mr. Armstrong was appointed chairman of the Labour Commission, whose investigations have only recently been completed. Since his return to this province, he has published a valuable treatise on the laws of intestacy in the Dominion of Canada.

The *Law Journal* (London) has the following remarks on the case of *Reg. v. Gloster*, which will be found in the present issue:—"The evidence on the strength of which the death-bed declaration of Eliza Schumacher was tendered in the case of *Regina v. Gloster*, tried this week at the Old Bailey, was very slight indeed. It was simply that the doctor who received it and attended her in her last moments asked her if she made it with the fear of death before her eyes, and that she replied in the affirmative. With all persons and at all times there is the expectation of death which may take the form of fear, and all that was added in the case in question was an expectation of death by the illness from which the patient suffered. If we accept the view of Lord Justice Lush in *Regina v. Jenkins*, 38 Law J. Rep. M. C. 82, that 'if the declarant thinks that he will die to-morrow that will not do,' the evidence was obviously not enough; but most lawyers will agree with Mr. Justice Charles that the view of Mr. Justice Willes in *Regina v. Peel*, that death must be thought impending within a few hours, better expresses the true test. Lawyers will also agree that the evidence in this case clearly did not answer that test. One of the reasons given by Mr. Justice Byles for the scrupulous, almost superstitious, care necessary in accepting dying declara-