

COUR DE CIRCUIT.

MONTREAL, 25 sept. 1885.

Coram CARON, J.

EDMOND LAREAU V. E. LECLERC.

Lettre d'avocat — Frais — Règlement — Promesse de payer.

JUGÉ:—*Que l'avocat n'a pas d'action pour recouvrer les frais de lettre écrite au défendeur, si ce dernier règle la dette avec son créancier, même en promettant de régler la dite lettre avec l'avocat; que cette promesse ne pouvait le lier vis-à-vis l'avocat, puisqu'il s'engageait à une chose à laquelle il n'était pas légalement tenu.*

Au soutien de sa prétention le demandeur cita les décisions suivantes:—10 R. L. p. 589, Gill, J.; 6 L. N., p. 8, Loranger, J.; 27 L.C.J. p. 29 ou 6 L.N., p. 61, Jetté, J.; 3 L. N. p. 37, Rainville, J.

Le défendeur cita 7 Leg. N. p. 383, décision rendue en 1884 par son Honneur le Juge Loranger.

Au sujet des décisions citées par le demandeur, son Honneur le Juge Loranger a prétendu qu'elles étaient d'équité parce que la preuve établissait que "des rapports avaient eu lieu entre le débiteur qui avait reçu la lettre et l'avocat qui l'avait écrite."

Dans l'espèce il fut établi en preuve que la femme du défendeur avait offert 50c. pour la lettre, après avoir promis au créancier de payer tous les frais de lettre.

La cour fut d'opinion que cette promesse ne pouvait lier le défendeur, que les frais de lettre d'avocat n'étaient pas recouvrables.

L'action fut en conséquence deboutée avec dépens.

Edmond Lareau, avocat du demandeur.

Augé & Lafortune, avocats du défendeur.

(J. J. B.)

GENERAL NOTES.

THE COURTS AND THE EPIDEMIC.—Mr. Justice C. sat in the Circuit Court a few mornings ago hearing all comers with his usual patience, justice and urbanity. An individual, who appeared to receive a wide berth from advocates and criers, pushed his way to His Honor with a handful of papers and desired to be heard, when the following dialogue occurred:—His Honor—You say you are sued in ejectment and you have the smallpox in your house? Defendant—Yes, Your Honor, and I want you to examine these papers. His Honor (to the public)—This is a shame. This man

has been after me several times this morning to examine his papers, and I have told him to go home and I will continue his case. (To the Clerk) Who is the lawyer in this case? Clerk—Mr. B. His Honor—Perhaps Mr. B. would be kind enough to come here and examine these dirty papers himself, as the action appears to be an action in ejectment for \$3. (To the Crier) Put him out. The Crier tried in vain to expel the aggrieved litigant, but when the latter turned to resist, invariably fled from him. The result was a sensation and a messenger sent for the sanitary police, but before their arrival the carrier of contagion had disappeared. The windows were opened and the distribution of justice was resumed with a sense of relief.

The London correspondent of the *New York Tribune* says of the new law peers:—"Sir Robert Collier and Sir Arthur Hobhouse are made peers in order to strengthen the legal side of the House of Lords. The former was Solicitor General in the Alabama-Alexandria days, and proved his soundness as a lawyer by the views he took of the obligations of the British Government in respect of stopping the rebel corsairs and rams. He became Attorney General in Mr. Gladstone's administration of 1868; three years later followed his appointment to the Judicial Committee of the Privy Council, a place worth \$25,000 a year. This he still retains. The controversy over that appointment is not forgotten, though it turned wholly on technical points. Sir Robert is a lawyer of learning and ability, with a passion for landscape painting, and an exhibitor in the Royal Academy. Sir Arthur Hobhouse is a public-spirited Englishman who has long served his country in various high capacities, as Charity Commissioner, as legal member of the Indian Council, and finally as member of the Judicial Committee of the Privy Council—all without pay. Few men have done more or better work; and not a shilling of public money has ever gone into his pocket. His is one of those cases which might make the sourest socialist meditate on the incidental advantage to the public of allowing men to possess private fortunes. Such honor as he now receives comes to him in a shape which still brings no pay and augments the expenses of life."

A NEW CLASS OF ALIENS.—At Chelsea, on September 25, before Mr. O. J. Williamson (revising barrister), Major Gray brought forward the case of a claimant who was born of Portuguese parents at Calcutta. He submitted that the claimant was a British subject by reason of his having been born within the dominion of the Crown. The claimant had always considered himself a British subject. The revising barrister said that British India was no part of the British Crown when the claimant was born there. Major Gray remarked that the Act taking over the country would make the claimant a British subject. The revising barrister said the Act was not retrospective. A man born at Calcutta was the subject of the *Empress of India*. An Englishman of the United Kingdom was a subject of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland. The laws of England prevailed in England only. The revising barrister held that the fact of a man being born in Calcutta did not make him a natural-born British subject, and that it was necessary to take out letters of naturalization for the purposes of being enfranchised. The claim must, therefore, be disallowed.—*Law Journal*.