

capital cases; and the fifth amendment to the constitution of the United States is relied upon as justifying the distinction. We think otherwise, because we are clearly of opinion that the jeopardy spoken of in this article can be interpreted to mean nothing short of the acquittal or conviction of the prisoner, and the judgment of the Court thereupon. This was the meaning affixed to the expression by the common law, notwithstanding some loose expressions to be found in some elementary treatises, or in the opinions of some judges, which would seem to intimate a different opinion.'

"In *United States v. Perez*, 9 Wheat. 589, the jury, being unable to agree, were discharged by the Court from giving any verdict upon an indictment for a capital offence, without the consent of the prisoner, or of the attorney for the United States. Mr. Justice Story, who delivered the opinion of the Court, held that the facts were no bar to a future trial; that the law gave to Courts the power to discharge a jury from giving a verdict whenever the act was manifestly necessary, or the ends of public justice would otherwise be defeated."

COUNSEL FEES.

In the case of *Doutre v. The Queen*, a claim against the Dominion Government for professional services rendered as counsel before the Fisheries Commission, (referred to in 3 *Legal News*, p. 297), judgment was rendered by Mr. Justice Fournier, in the Exchequer Court, on the 12th inst. The Court fixes the remuneration of Mr. Doutre at \$50 per day for fees, and \$20 per day for expenses, making \$70 per day for the 240 days over which the engagement extended. This estimate, which is somewhat less than the sum Mr. Doutre demanded, will probably be held not extravagant. The *Albany Law Journal*, in reference to the figures mentioned in the *Legal News* (vol. 3, p. 297), remarked:—"These amounts seem large, no doubt, but they are by no means unprecedented in this country. There are a number of counsel in the city of New York who command \$250 a day."

THE MARRIAGE BILL.

The following appears in *La Minerve* of Wednesday last:—

"Une décision du Saint-Siège, en date du 7 novem-

bre et dont il sera bientôt donné communication au public par l'épiscopat, condamne le bill relatif aux mariages de beaux-frères et belles-sœurs, présenté par M. Girouard à la dernière session. Nous croyons qu'en face de cette condamnation, M. Girouard, dont les intentions, du reste, n'ont jamais été mises en doute par les autorités religieuses, a décidé de ne plus présenter ce bill."

The bill was so favorably received last Session, and has been so warmly supported in various quarters, that it is not improbable that it will be adopted by some other member, and be again pressed upon the attention of Parliament.

BAR EXAMINATIONS.

The half-yearly examinations, which were held at Montreal during the past week, ended on Wednesday with the following result:—

Admitted to Practice:—Henry B. Hammond, Pierre R. Goyette, Chas. Lemoyne de Martigny, André Cherrier, Albert Wm. Atwater, Joseph P. Cooke, Eugène Lafleur, Alfred de Beaumont, G. A. Hughes, Wm. Prescott Sharp.

Admitted to Study:—Wilfred Mercier, Joseph L. Gouin, René Daigle, Godfrey Coffin, Charles de Bellefeuille Macdonald, Charles Gratton, Henri Letondal, Alfred Bachand, Mathias Tellier, Edouard Bauset, Olaus Therien, Horace A. Hutchins, Wilfred Edmond Lassier, Arthur McConnell.

NOTES OF EXCHANGES.

THE SOUTHERN LAW REVIEW—St. Louis.—The December-January number of this Review comes with an unusually interesting budget of articles. "Power of Municipal Corporations to Borrow Money," "Expert Evidence," and "Modern Legislation touching Marital Rights," are among the subjects discussed.

THE AMERICAN LAW REVIEW—Boston.—The last two numbers contain an article by Mr. J. B. Thayer, treating very fully *Beddingfield's* case, and the subject of declarations as part of the *res gesta* (the author prefers the singular).

THE CRIMINAL LAW MAGAZINE—Jersey City.—This new bi-monthly has completed its first year, and has well sustained throughout the reputation which the opening number secured. A leading article on "Conflict of Criminal Laws," from the pen of Francis Wharton, LL.D., appeared in the November issue.

THE CANADIAN LAW TIMES—Toronto.—This is a new monthly publication, established by