If a controversy should arise in our courts as to whether slavery was authorized by law in Kentucky or Virginia, it is probable that no legislative act could be found in either State which in express terms legalized it; but the conclusion would force itself upon the mind of a judge, and he would feel himself compelled to decide that it was lawful, as a necessary inference from disconnected acts regulating the subject. And, in our opinion, if slavery existed in Canada under the French government, before the English acquired the country, it continued to exist and was lawful till it was abolished; and, after a careful examination of the documentary evidence in this cause, and for the reasons which are here hurriedly given, we have arrived at the conclusion which the Circuit Court announced in the first instruction for the defendant. The last instruction for the plaintiff is inconsistent with the first for the defendant, and was therefore improperly given. If the word *lawfully* had been omitted in the last instruction, it would have been unobjectionable, for though slavery was sanctioned by law in Canada, if in fact Rose was not a slave there, her children would not now be.

By omitting to notice the other instructions given for the defendant, our silence is not to be construed into an approval of them. The third instruction is very objectionable, for it implies that the plaintiff must make out her case by a higher degree of evidence, and that she must connect every link with more conclusive proof, than is ever required in civil cases of other persons. If a negro sues for his freedom, he must make out his case by proof like any other plaintiff; but the law does not couple the right to sue with ungenerous conditions, and he may prove such facts as are pertinent to the issue, and may invoke such presumtions as the law raises from particular acts. Our statute provides that in suits for freedom, "if the plaintiff be a negro or mulatto, he is required to prove his right to freedom," (Revised Statutes, 1845, Section 533,) but this is not a common law rule of evidence, and with this exception we are not aware of any other rule peculiarly applicable to such suits.

Judge Napton concurring, the judgment will be reversed and the cause remanded.

Scott, Judge, dissenting: What may be the province of the Court in the interpretation of foreign laws for the benefit of the jury, I do not deem necessary to determine, as I conceive no such question is involved in this record. The question for the jury was whether slavery existed in Canada. No statute was produced creating or establishing that institution which called for the interpretation of the Court. From the fact that there were laws and documents in which reference was made to slaves, or which contemplated a state of slavery, it was to be inferred that slavery lawfully existed in Canada. That inference was one of fact, to be made by the jury. As the jury have found the fact, whose exclusive province it was to do so, the practice of this Court, now established for a number of years, forbids that a judgment should be reversed, because a verdict is against the weight of evidence.

The State Missouri, ss:

I William S. Glanville, Clerk of the Supreme Court of said State, held at St. Louis, certify the foregoing to be a full, true and complete transcript of the opinion of said Court, and of the dissenting opinion aforesaid, delivered in the cause first before stated, at the October Term, A. D. 1857, on appeal from the St. Louis Circuit Court.

In testimony whereof, I hereto set my hand and the seal of said Court, at Office, in St. Louis, this 25th day of December, A. D. 1857.

Wm. S. Glanville,
(L. S.) *Clerk.*

GENERAL CORRESPONDENCE.

To the Editors of the Law Journal.

Elections — Towns — Wards — Joint Owners.

Gentlemen, — As a portion of your valuable *Journal* is devoted to the answers of questions relative to Municipal affairs, propounded by the officials of the municipalities, many of whom, no doubt, like myself, though acquainted somewhat with the English language, find it very difficult to arrive at the exact meaning of our Statutes, (It is indeed somewhat amusing at times to hear three or four opinions by as many persons, on the meaning of a clause or paragraph of a statute, and sometimes the opinions differ as widely as do the countenances of the parties giving them) I beg respectfully to submit for your answers two questions, which have agitated us somewhat, and more especially your humble correspondent, who is tremblingly alive to the consequences of an error made by him, these being nothing less than a two years servitude in the common gaol, if not in the penitentiary. The questions are as follows:

1. Are Towns not entitled to send a Member to Parliament to hold the election for Members to the Legislature in Wards or not?

2. If in Wards, must the Clerk omit the names of parties who are not assessed for £5 at least in each Ward *eg.*

A and B are a firm; they are assessed for £9 in the East Ward, and £3 in the North Ward. *Query*—Must the Clerk, in making out the list of voters, under 22 Vic. cap. 82, secs. 2 & 4, put down A and B on the list. If so, on which ward and how?

Your early answer to the above will confer a favor on possibly others beside your obedient servant,

A Town Clerk.

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1. In towns divided into wards, the election of representatives to serve in Parliament should, we think, be according to wards (see 12 Vic. cap. 27, sec. 13, and 22 Vic. cap. 82, sec. 4), and each voter to vote in that ward in which his property is situate (12 Vic. cap. 27, sec. 13).

2. Two or more persons, jointly interested in property, in respect of which a right to vote exists, are entitled to be entered on the list of voters in respect to such property only when the value of the share of each is sufficient to entitle him to vote as if the property were assessed in his individual name (22 Vic. cap. 82, sec. 2, subs. 3), and ought, as before mentioned, to vote in the ward in which the property is situate (12 Vic. cap. 27, sec. 13). If, therefore, the property assessed in the name of two persons be of the value of £9 only in one ward, and £3 in another, when the law would require an assessment of £10 in one ward to entitle two persons to vote, it would seem that the two persons supposed would not have a right to be entered on the list of voters as regards any particular ward, and so not entitled to vote as joint tenants. The case is in principle the same as that of a man having property in several wards of a town, in no one ward sufficient to entitle him to vote, but in the aggregate more than sufficient.—Eds. L. J.]

MONTHLY REPERTORY.

COMMON LAW.

C.C.R. Regina v. Alexander Richmond. *April* 30.

Acting under false colour and pretence of process of a County Court

B. being indebted to A., A. obtained a blank form for plaintiff's instructions to issue County Court summons. This he filled up