

Separation from bed and board.

Mary Jane McClary v. John McNamara Joslin, Montreal, May 30.

GENERAL NOTES.

Mr. Justice Doherty was appointed Assistant Judge of the Court of Queen's Bench, for the term beginning at Montreal on the 15th May.

Mr. A. B. Cressé, Q.C., who died at Montreal, on Thursday, May 10, was admitted to practice in February, 1853.

Le 11 février dernier, M. Didier assistait, au Grand-Théâtre de Dijon, à une représentation de l'*Africaine*. Il occupait une place de parterre. Il sortit après le premier acte, et reçut une contre-marque de rentrée. Quand, au retour, il la présenta au contrôleur, celui-ci refusa de la recevoir en déclarant qu'elle provenait d'une représentation antérieure, et il lui interdit l'entrée de la salle. M. Didier, après quelques pourparlers, paya sa place une seconde fois et rentra.

Mais, le lendemain, il assigna M. Frantz, le directeur du Grand-Théâtre, en remboursement du prix de la place indûment payée une seconde fois, et en 60 fr. de dommages-intérêts. Il offrait en même temps de prouver qu'il était de bonne foi, et que la contre-marque qu'il avait présentée au contrôle, pour rentrer au théâtre, était bien celle qu'il avait reçue quand il était sorti.

L'affaire vient d'être plaidée devant le Tribunal de paix de Dijon.

A l'audience, il a été établi par les témoins que la contre-marque présentée par M. Didier n'était pas celle du jour, mais aussi que c'était bien celle que le contrôleur lui avait donnée à la sortie.

M. le juge de paix Clausung, après avoir entendu Me. Jorré, pour M. Didier, et Me. Manière, pour M. Frantz, a décidé que la contre-marque donnée au contrôle d'un théâtre à un spectateur, pour la sortie de l'entr'acte, établit contre le directeur de ce théâtre la présomption que celui qui en est porteur a payé sa place.

C'est au directeur à prouver que la contre-marque, reçue de bonne foi par le spectateur, est fautive, ou qu'elle est entre ses mains par suite d'une fraude.

L'obligation où le directeur met le porteur de la contre-marque de payer sa place pour rentrer au théâtre, le soumet à des dommages-intérêts envers le spectateur.

Et, appliquant ces principes à la cause, le Tribunal de paix a condamné le directeur à payer au spectateur 1 fr. 25, prix de la place deux fois payée, et 60 francs de dommages-intérêts.

TERRIBLE RETRIBUTION.—The consequences of judges publishing reports of their own decisions are illustrated, according to the *Albany Law Journal*, by 'A Scathing Indictment,' by Senator Temple Houston, in the *Fort Worth Texas Gazette*, of Judges White and Willson, of the Texas Court of Appeals, who ventured to publish two volumes of civil cases decided by that Court. 'The simple laws of our ancestors (says the writer, who describes these judges as "peddling their little reports") understood of all, have become dark and terrible riddles, as fatal and mysterious as those which the Sphinx asked of her

foredoomed victims.' 'It is the solemn duty of every man in whose breast there yet glows a spark of patriotic fire, to make the fate of the delinquent a terrible atonement.' Judge Hurt's dissenting opinions will become eternal rules of action when the pale creations of his associates have vanished as doth vapour.' 'John P. White, seated on high, reviling and overruling the opinions of Lipscomb, Roberts, and their compeers; no contrast more mournful is seen along the Nile where the jackal snarls, sole lord of the desolate temples and deserted palaces of imperial Sesostris. But the opinions of our dead jurists will survive this petty iconoclasm.' 'There are those to whom you will not deny that you knelt before the Moloch of Radicalism and intimidated your willingness to accept a judgeship at the hands of E. J. Davis, a proceeding for which you had prepared yourself by your attorneyship for the Freedman's Bureau, a position so odious that few decent Republicans could be found to accept it.' 'It was not thus with us in the days of old. The men who freed Texas from the oppressors' thrall chose her worthiest to devise and to expound her laws; and her judges were known as much for the splendour of their learning as the spotless purity of their lives. The fame of their wisdom was heard on the shores of every ocean; the ermine chancellor of Albion's realm was proud to find his construction of her common law sustained by the genius and research of a Hemphill. It is not so now.'—*Law Journal (London)*.

In his recently-published reminiscences, Sir Frederick Pollock gives this account of his first appearance in court to try a case after being called to the bar: "It fell to me of course to examine the first witness. I knew my brief by heart, but got up in the greatest funk to do my duty. The court swam round me; I did not know what questions I asked, or what answers came from the witness-box, and sat down thinking it was all over with me, and wishing the floor would open to let me disappear as completely and quickly as possible. At the close of the case a little scrap of paper, two inches square, was passed to me in the cleft of the crier's white wand, and to my vast surprise and pleasure I read a note from Dundas (the judge), which said, 'You examined your witnesses like an old and experienced hand, reminding us of your sire, *Patre Pollock filius Pollockior*.' This, we suppose, is an imitation of the Horatian "*matre pulchra filia pulchrior*."

A disgraceful scene took place recently in the court at Bury St. Edmunds. From the report it appears that the learned judge (Sir Francis Roxburgh) offended by describing an affidavit by the plaintiff as "a tissue of falsehood from beginning to end." The plaintiff's solicitor thereupon "protested against such an observation from the Bench as a most improper one," for which the judge promptly fined him £2. The fine was received with, "All right. Your courts are getting notorious all over the country," to which the judge replied with a further fine of £2. To accentuate the decorum of the proceedings, we read that the solicitor's observations were greeted with applause in court, and that after one or two minor exhibitions of a similar character a subscription was opened in court to pay the solicitor's fine.