

The Legal News.

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A curious claim of privilege was made by a solicitor in *Day v. Ward*, before the English Queen's Bench Division. An action for debt had been commenced against a solicitor in the Mayor's Court, whereupon the solicitor applied for a writ of *certiorari* for the removal of the action into the Queen's Bench Division, on the ground that he, as an officer of the Supreme Court of Judicature, had a right to the trial of any claim against him before the tribunal to which he was responsible. The Court, however, held that, as the Mayor's Court was an inferior Court within the meaning of the Solicitors' Act, 1843, s. 27, the defendant having signed the roll of attorneys practising there, was as much bound to be present in that Court as in the Supreme Court. His claim to privilege must fail, for were a writ of *certiorari* granted he would enjoy an immunity which previously prevailed only in Alsatia, since he would be able to set up his privilege of solicitor of the Supreme Court when sued in the Mayor's Court, and his privilege of attorney of the Mayor's Court when sued in the Supreme Court.

Not only the same questions are threshed over in the Courts generation after generation, but sometimes the very identical things crop up in a very singular fashion. Thus it happened at the last Devon Assizes that among the cases entered for trial was an action for the obstruction of a watercourse, in respect of which same watercourse an action for obstruction had been tried at the Devon Summer Assizes of 1786. To have tried the case over again, says the *Law Journal*, would have outraged historical continuity, and it was accordingly withdrawn. The leading counsel on one side at the trial a hundred years ago was Sergeant Rooke, afterwards a Judge of the Common Pleas. The fee marked on his brief was five guineas, a lower fee in

proportion than would be expected by a circuit leader nowadays, even when we remember that beef was at that time threepence a pound. House rent, rates, and taxes have, however, increased in much greater proportion.

Rats in a ship, it is held by the English Court of Appeal, in *Pandorf v. Fraser*, are not a peril of the sea, but a danger to be guarded against by the master of the ship; and so, where rats gnawed through a metal pipe and allowed sea water to enter and spoil a portion of the cargo, the shippers of the goods were entitled to recover.

APPEALABLE CASES.

Appealable cases at the *chef-lieu* in the several judicial districts are removed into the Superior Court by 49-50 Vict. (Q.) chap. 18, assented to 21st June, 1886, which reads as follows:—

An Act to further amend article 1054, of the Code of Civil Procedure.

Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:—

1. Article 1054 of the Code of Civil Procedure is amended by inserting the following words at the beginning thereof: "except at the *chef-lieu* of each judicial district of the Province."

2. In consequence of the preceding amendment, all appealable cases commenced in the Circuit Courts at the *chef-lieu* of each judicial district of the Province, in which judgment has not been rendered, shall, from the date of the coming into force of this Act, cease to be within the jurisdiction of each such circuit court respectively.

3. The proceedings to be taken and judgments to intervene shall be taken and rendered before the Superior Court; and the books, archives and records of the Circuit Court, respecting any such case, shall belong to the Superior Court, and shall be thereto transmitted within a short delay.

4. Section 9 of the Act 34 Vict., ch. 4; section 31 of the Act 35 Vict., ch. 6; section 9 of the Act 47 Vict., ch. 8; and section 1 of the Act 48 Vict., ch. 23, are hereby repealed.