

## The Legal News.

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When the Court of Appeal met at Montreal in September last there were 96 cases on the printed list. The list for the May term of this year exhibits precisely the same number, so that the arrears have not been reduced. During the May term the ninety-second case on the last September list was reached. The five terms were therefore insufficient to hear the list prepared for the first term. In other words, the work is more than a whole year in arrear. A good deal of delay is caused by the increased number of applications each term for leave to appeal from interlocutory judgments, motions for new security, etc. The Chief Justice took occasion during the term to direct the attention of the bar to the expediency of giving the Judges in Chambers concurrent jurisdiction to dispose of these applications. This change would work well in two ways. The applications could be heard and disposed of immediately; and secondly, several hours of term time would be gained for the hearing of ordinary appeals.

In connection with the warrants issued recently for the arrest of two members of the House of Commons (one of whom, Capt. Verney, subsequently returned, and being convicted on his own admission, was expelled from the House), the *London Law Journal* says:—"Where a member is convicted of felony and sentenced to penal servitude or any term of imprisonment with hard labour or exceeding twelve months, he forfeits his seat by virtue of 33 & 34 Vict. c. 23, but no such consequence follows a conviction for *misdemeanour*. The offence of flying from justice was in the case of a felony a separate offence, followed by forfeiture of goods, even although the offender should have been acquitted of the felony, until 7 & 8 Geo. IV. c. 28, s. 5; 'for,' as Blackstone says, 'the very flight was held an offence carrying with it a strong presumption of guilt,' though 'in modern times it became unusual for the jury to

find the fact of flight, forfeiture being looked upon since the vast increase of personal property of late years as too large a penalty for an offence to which a man is prompted by the natural love of liberty.' There is at least one precedent—that of James Sadleir—for expelling a member who has fled from justice, without any conviction or judgment of outlawry; but in that case (which occurred in 1857) a true bill had been found, the offence being fraud. See May's 'Parl. Pr.' 9th ed. p. 66, from which, also, it appears that in 1796 one Colonel Cawthorne was expelled for 'conduct unbecoming the character of an officer and a gentleman;' also that 'expulsion is generally reserved for offences which render members unfit for a seat in Parliament, and which, if not so punished, would bring discredit on Parliament itself.' Modern opinion, however, would perhaps call for an immediate expulsion of a member proved to have fled from justice, on the ground that constituencies are entitled to have vacancies so caused filled up with as little delay as possible."

We think it is of Lord Brougham the anecdote is related that when he sat on a Good Friday, some one observed that he was the first judge since Pontius Pilate who had done so. An English judge, last Good Friday, proposed to follow the same course, but was deterred by the remonstrance of the Bar. The incident is thus described in the *London Law Journal*:—"The chairman of the County of London Sessions recently horrified his Bar by announcing that 'he was prepared to sit on Good Friday, the following Saturday, Easter Monday, and the Tuesday after. He had,' observed he 'never before had to sit on Good Friday, but he could remember cases in which judges on circuit had sat in the afternoon of that day.' The Solicitor-General at once protested against such an interference with 'arrangements which many had already made.' The chairman said 'his position was a painful one, and he was subjected to observations which made him wish to have it understood that, as far as he was concerned, he was ready to sit on those days;' but added that 'he should, of course, be swayed by the