

The Legal News.

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By an order in Council, passed at Ottawa, July 19, 1887, the "Act respecting the Executive Power," passed by the Legislature of Quebec, June 21, 1886, has been disallowed on the ground that it was not competent for the Legislature to pass such Act. The Act, which appears as ch. 98 of the Statutes of 1886, was to form the third title of the Revised Statutes, P.Q.

A statement, says the *Albany Law Journal*, was made recently to the *Washington Critic* by a gentleman, who was a prominent member of the Confederate Congress, to the effect that there was never any Supreme Court in the Confederate States. He says a bill passed the Confederate house providing for the establishment of such a court, but when it reached the Senate it was defeated by Mr. Yancey of Alabama, who took the ground that such a tribunal was antagonistic to the Confederate idea of the sovereignty of the several States, to maintain which principle they had seceded from the Union. Mr. Yancey's views were acquiesced in, but the necessity for such a final arbiter of dispute between States came up some time afterward, when the courts of one State declared that Confederate bonds could be taxed for State revenues and the courts of another State decided just the contrary. The early collapse of the Confederacy prevented further conflicting complications of the State rights doctrine, as advocated by Mr. Yancey and others.

One Penny, styling himself "Neptune the Astrologer," being convicted of unlawfully pretending to tell fortunes and deceive and impose on one Khurt, appealed unsuccessfully. Mr. Justice Denman observed (*Penny v. Hanson*, 18 Q. B. D. 478):—"Res ipsa loquitur. It is absurd to suggest that this man could have believed in his ability to predict the fortunes of another by knowing the hour and place of his birth and the aspect of the stars at such time. We do not live in times

when any sane man believes in such a power. I think the magistrate was right, and that there was an intention to deceive on the part of the appellant in professing his ability to tell the fortune of Khurt." On this expression of opinion, the *Law Quarterly Review* remarks: "These words of Mr. Justice Denman should be noted by Mr. Lecky whenever he publishes another edition of his *History of Rationalism*. They mark the fall of an old belief. It is certain that two centuries ago, men of first rate ability believed that fortunes could be foretold from the aspect of the stars. We may even doubt whether his lordship's enlightenment does not mislead him as to the average condition of modern belief. Not many years have passed since excellent persons believed in table-turning. Educated men have supposed that they could learn a good deal from what a child saw, or said he saw, in a crystal ball. From a theoretical point of view, Mr. Penny might have a good deal to say for himself; practically, it is no doubt desirable that Neptune the Astrologer and the like should be treated as the rogues which they are generally found to be by their dupes."

COUR DE CIRCUIT.

MALBAIE, 14 juin 1881.

Coram ROUTHIER, J.

GUÉRIN v. BOUCHARD et al.

Motion pour congé-défaut.

JUGÉ:—*Que la motion pour congé-défaut peut être faite le premier jour juridique qui suit le jour du rapport de l'action.*

PER CURIAM.—Pour demander le congé-défaut, le défendeur a le même délai que pour comparaître. Ce n'est que le premier jour juridique suivant le rapport que le défendeur peut constater le défaut d'entrer l'action. Le demandeur peut ne rapporter son action qu'à quatre heures précises et même après tant que le greffe est ouvert. Le protonotaire ne peut constater le défaut de comparaître que le troisième jour juridique suivant celui du rapport.

J. S. Ferrault, proc. du demandeur.

J. A. Martin, proc. des défendeurs.

(C. A.)