

The Legal News.

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The subject of punctuality has come opportunely to the front at the beginning of the new legal year in England. One of the jury engaged in trying a case which had lasted several days, being absent at the opening of the Court, was fined ten pounds. The juror walked in afterwards, and on stating that he had been mistaken as to the hour, was relieved of the fine. The Lord Chief Justice observed that the juror had kept the Court waiting, and that "the only person who can with impunity keep the Court waiting is the judge." The *Pall Mall Gazette* says: "It is to be hoped that the Lord Chief Justice's reported observation made yesterday, that 'the only person who can with impunity keep the Court waiting is the judge,' will not be taken seriously. This was really the 'Chief's' little joke, and a sly poke at Mr. Justice Hawkins, which will be much appreciated in the profession. Some time ago the presence of a learned silk was required in Court at eleven o'clock, the case having commenced a few minutes before, and he was sent for. Addressing him in lofty tones of reproof, Mr. Justice Hawkins asked, "Why were you not here at the sitting of the Court, Mr. B.?" to which Mr. B., being bolder than most of his brethren, calmly replied, 'I was here, my lord, at the hour fixed for the Court to sit, but as there was no Court I left,' and his lordship wisely allowed this delicate point to drop." The *Law Journal* points out that the other form of unpunctuality—sitting after the hour—is also inconvenient. "There are several kinds of the judicial vice of unpunctuality. Judges who sit in Banco and are guilty of it are unpolite to their brethren, as well as the bar, the solicitors, and the rest of the attendants at Courts of justice. The worst form of it occurs when a judge is unpunctual himself and fines a juror for being late. The large majority of judges are conscientiously punctual, but it is a form of unpunctuality

which is a degenerate conscientiousness, to sit after four o'clock to the disturbance of the appointments made after that hour in the Temple and Lincoln's Inn by those engaged before him. The perfectly punctual judge is he who sits and rises punctually, and not he who sits early and late takes rest, still less he who comes in late and rises early. The best example of it is Baron Huddleston in town and on circuit."

The resignation of Sir Andrew Stuart, Chief Justice of the Superior Court for this province, is announced. The retiring Chief Justice has held judicial office for a period of over thirty years, and is therefore well entitled to relaxation from labour. He was called to the bar in 1834, and appointed a Q.C. in 1854. In 1859 he was raised to the bench as an assistant judge of the Superior Court. The following year his appointment was made permanent. After the retirement of Chief Justice Meredith from the bench in 1885, Mr. Justice Stuart was appointed his successor.

COUR DE CIRCUIT.

MALBAIE, septembre 1886.

Coram ROUTHIER, J.

BOUCHARD v. GILBERT.

Actions pénales sous Code Municipal—Au nom de qui peuvent-elles être intentées.

JUGE:—Que sous l'empire de l'article 1046 C.M., l'action pour pénalité peut être intentée soit au nom d'une personne majeure en son nom particulier, sans qu'il soit besoin de joindre à telle personne, comme demanderesse, la corporation de la municipalité dans les limites de laquelle la pénalité a été encourue; soit au nom des deux; que la personne poursuivant en son nom particulier peut conclure légalement à ce que la pénalité lui soit payée en entier, sauf à la corporation intéressée à se faire rembourser par telle personne la part qui lui revient. *Vide Labelle v. Gratton*, 7 R. L. 325; *Graham v. Morrissette*, 5 Q. L. R. 346.

Charles Angers, pour le demandeur.

J. S. Perrault, pour le défendeur.

(C. A.)