

*Re Eugene Roy.*—First dividend, payable March 27; H. A. Bedard, Quebec, curator.

*Re Alexander Tyo, Dundee.*—First and final dividend, payable March 27, J. A. Lapointe, Beauharnois, curator.

*Separation as to Property.*

Georgianna Bréard *alias* Laroche vs. Charles Lebeau, tanner, Ste. Brigide, March 13.

Odile Martel vs. Joseph Bazinet, manufacturer, Sorel, October 15.

GENERAL NOTES.

PROVERBS.—Nations all over the world are addicted to proverb making, and the legal profession is of course fathered with a goodly share. In a collection of 'Proverbs, Maxims, and Phrases of all Ages,' recently published by Robert Christy, an American lawyer, many of these sayings have been chronicled, and, though they are somewhat sarcastic, we may say of them, as Mr. Christy truly remarks, that 'if the censures are baseless, they are harmless; if well founded, the profession should amend itself.' Two German proverbs may be quoted: 'The nobleman fleeces the peasant, and the lawyer the nobleman.' 'The suit is ended,' said the lawyer, 'neither party has anything left.' The Danish proverb is certainly biting: 'Virtue is in the middle,' said the devil when he seated himself between two lawyers; but the Dutch one is more charitable, 'The better lawyer, the worse Christian.' There are many younger professions than the law, and it will be interesting to watch what class of proverbs gathers round them, for a proverb has been well said to be 'the wit of one man and the wisdom of many.'

DR. DAVID DUDLEY FIELD.—The diploma recently conferred at the University of Bologna on Mr. David Dudley Field, the well-known lawyer and codifier of New York, after reciting that through the special favour of the most great and good God it has come to pass that the learning of mankind, utterly effaced and extinguished in the barbarism of the ages, should here at length, like the Phoenix, burst forth into renewed life from its own ashes, and it has been a custom from the most ancient times that students who, coming from the whole circle of the world to this home of wisdom, should at the completion of their course of study have given proof of learning and ability, should be honored with the laurel and ample prerogatives; and the light which first rose from hence, as it were the morning light of humanity, wherewith was dispersed the darkness of barbarism and ignorance, should now, at the completion of eight great circles of years in the presence of the most illustrious men coming hither from all parts of the world, have shone with greater brilliance than the noonday sun; and in the convention of the body of lawyers of this university, there have been presented brilliant testimonials and proofs of the merit, learning, and special services toward the State of that most illustrious man, David Dudley Field, the body of the university, with one voice and accord have commanded that the same most illustrious man should be honoured with the laurel:—bears witness that that most illustrious man David Dudley Field has on the Ides of June 1888, been created and appointed Doctor of the University of Bologna, and is given at the solemn

festival of the university, subscribed by the Rector Magnificus and the President of the Order of Doctors, and marked with the great seal of the University of Bologna.

POPULAR BELIEF IN DEATH WARRANTS.—An opinion is commonly entertained that the Sovereign signs some instrument by virtue of which capital offences are punished with death; hence, these presumed documents are popularly termed "Death Warrants." Such, however, not only is not the case in England, but, so far as our knowledge goes, never has been. The only authority for the execution of a criminal is the verbal sentence of the judge, pronounced in open court, in a prescribed form of words. This the sheriff or his deputy is bound to hear and to execute. After the offenders are tried, the judge (or, at the Old Bailey, the Recorder) signs a list containing the names, offences and punishments of the convicts, and the names of the prisoners acquitted; and a copy is given to the sheriff. The list (commonly called a calendar) is, however, a mere memorandum, and of no binding authority whatever. Lord Hale, in the second volume of his "Pleas of the Crown," records the case of a judge refusing to sign any calendar, fearing, he said, it might grow into a rule; the sheriff, believing that the calendar was really necessary, neglected to execute a criminal who had been capitally convicted, and he was heavily fined in consequence; the law being distinctly laid down by Lord Hale, and the other judges of the time, that the verbal sentence was "the only and sufficient authority." So important, indeed, does the law deem this verbal sentence of death to be, that it is very reluctant to use it in cases where probably it will not be carried into effect; and in such cases the judge is empowered by act of Parliament to abstain from passing sentence of death, and to order such sentence to be recorded only. At the Old Bailey the custom formerly was for the Recorder, at the termination of each session, to wait upon the Sovereign with a list of all the prisoners lying under sentence of death; and, after explaining the several cases, to receive the royal pleasure thereon, and then by a warrant under his (the Recorder's) hand, directed to the sheriffs, to command execution to be done on a day and at a place therein named. This practice continued until the accession of her present Majesty, in the first year of whose reign Mr. Baron Parke (afterwards Lord Wensleydale) tried a man at the Old Bailey for a certain offence still, by the letter of the law, capital. From motives of delicacy it was deemed highly inexpedient to lay the details of the crime before the Queen; and, in order to prevent an infringement of the law by neglecting to do so, a bill was hurried through Parliament, the 1st Victoria, cap. 77, by the first section of which it was enacted that for the future it should not "be necessary that any report should be made to Her Majesty, her heirs and her successors, in the case of any prisoner convicted before the Central Criminal Court, and now or who may hereafter be under sentence of death." Thus the practice at the Old Bailey is now assimilated to that of all the other courts in the kingdom, and the Sovereign is never consulted about any capital offences whatever. See pp. 172-3 of "Things Not Generally Known," by John Timbs, F.S.A. (David Bogue, London, 1856).