

### THE BAR SECRETARYSHIP.

To the Editor of the Legal News :

SIR,—I regret that Mr. C. H. Stephens was not appointed Secretary of the Montreal Bar, as he has stronger claims to the position, even that the flying promises of his *confrères*, made years ago. He is a talented, clever young man, and has rendered great services to the profession by his large and extensive *Digest of Cases*, which, although hastily made and bearing the appearance of it, is nevertheless a very valuable work. His recent publication on *Joint Stock Companies* shows him to be, not only an indefatigable writer and worker, but also a learned and promising lawyer.

But Mr. Stephens is not and never will be the Secretary of the Bar, for all that. He wants an absolute requisite for that office, it is the knowledge of the French language. It is preposterous to appoint a Secretary who cannot speak the language of three-fourths of those with whom he has to deal, and the reason why the Secretary of the Montreal Bar is seldom an English advocate, is that there are very few English lawyers who can speak French; how strange and anomalous soever it may be in this Province; while most of the French lawyers, although unable to speak English when coming out of the college, will be able to do so at the end of their clerkship, or at least a few years after their admission to practise. Let young lawyers take a warning from this. Unless they can speak fluently both languages, they will always labour under a disadvantage.

A second reason for appointing a French secretary this year, was that the President was chosen among the English advocates. Let it be remembered that in this section there are over two hundred French and less than one hundred English advocates. Last year, the President and Secretary were French, but the Syndic an English.

I regret Mr. Stephens' attacks on the present Secretary; they are unjust, unfair, uncalled for, and of questionable taste. Mr. Stephens' cause would have been stronger without them.

Yours, truly,

AN ADVOCATE.

### PUBLICATION OF SALES.

To the Editor of the Legal News :

DEAR SIR,—There are a few questions I would

like to submit to you for your decision. I have asked several practising lawyers for their opinion in the matter; but, each, after giving his opinion, felt dubious as to the correctness of it.

Art. 572 of the Code of Civil Procedure reads as follows :

“ \* \* \* the sale of moveables must be published by posting and reading a notice, in a loud and distinct manner, at the door of the church of the place where the seizure has been made, immediately after morning service on the Sunday next after the seizure.” Now, the question is this: Suppose the seizure be made, the day for the publication of the sale at hand, and the bailiff ready to do his duty, but no service takes place, what recourse is left to the bailiff?

In some of the large parishes in this District (Ottawa), a seizure is made at one extremity, while the publication is read at another, at the door of the parish Church, a distance of eight or ten miles from the place, where the people or property is neither known nor cared for.

Has a judge a right to extend a term after having adjourned it to a subsequent day; or, in other words, has he the power to prolong the term by extending it from that subsequent day?

By answering these questions, either by inserting the answers in the “Legal News” or by letter, you will exceedingly oblige,

[ While we appreciate the compliment of an invitation to decide questions as to which “several practising lawyers” feel dubious, we are afraid we can hardly extend the province of the “Legal News,” so as to anticipate the work of the Courts. We shall feel satisfied if we can, in a more and more perfect manner, keep our readers informed as to the actual decisions. We publish our correspondent's questions, however, and we shall have no objection to insert a reply by any correspondent who may feel disposed to express an opinion thereon.—Ed.]

### RECENT CRIMINAL DECISIONS.

*Escape pending appeal—Jurisdiction.*—Where a person escapes from the custody of the law pending appeal, the appellate court loses jurisdiction, which does not attach by the capture of the prisoner.—*Lunsford v. The State, Court of Appeals, Texas.*