

The Legal News.

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Joel P. Bishop, the well-known legal author, once wrote an article upon "The tools of the legal trade," (1 Leg. News, 189) and possibly it was this essay which prompted a lawyer in Rhode Island to contend that a statute, exempting from attachment the necessary "working tools" of a debtor, covered the law books of a lawyer when such lawyer was the debtor. The Supreme Court of Rhode Island, however, *In re Church v. Lester*, (5 East. Rep. 589) opines that the use of legal manuals is not precisely what is meant by manual labor. The judgment states: "The court is of opinion that the provision of the statute exempting from attachment the working tools of a debtor, necessary in his or her usual occupation, not exceeding in value the sum of \$200, (Pub. St. R. I., ch., 209, §4, clause 2,) covers only such utensils or implements as the debtor is accustomed to use in manual labor in his or her usual occupation, and does not extend to a library of law books belonging to a lawyer, when such lawyer is the debtor."

The beginning of the Long Vacation, remarks the *Law Journal* (London), "always produces a crop of suggestions for its abolition, but every one knows that the thing cannot be done. There must at least be a portion of the year when law business is put aside for pleasanter things." A Q. C., writing to the *Times* *à propos* of vacation business, tells the following story: "About twenty years ago I was instructed to apply to a vice-chancellor at his house in London, for an injunction to restrain works which threatened immediate and irreparable damage to property. Arriving at the judge's house, and finding that he had just left for his vacation, I followed him at a gallop to the railway station, and got into the train just as it was starting. At the first station down the line I got out to look for his honour, and found him in the next compartment,

which was one of the old-fashioned sort, divided by a door in the middle. I told him I was in close pursuit of him, and for what purpose; and he, pulling down the middle blind, so as to shut out observation of the sole occupant of the other half, kindly invited me to bring my plans and papers into his compartment, so that he might hear the case *in itinere*. This he did, and before we reached the station for which he was bound, he had made up his mind to grant the injunction; and I borrowed a pen from the station master, with which he endorsed the necessary order on my brief. He shook me by the hand, and wished me a pleasant vacation, saying, 'This almost comes up to the bathing case.'

The Vacation in Montreal was the occasion of a decision of some interest upon a point of practice. Article 1123 of the Code of Procedure requires a writ of appeal to be served upon the opposite party, by leaving a copy with him or at his domicile, or with his attorney *ad litem*, in person. In *Gilmour & Hall*, one of the respondents was domiciled abroad, and could not be reached. It was necessary to serve the attorney personally. But the attorney was enjoying the sea-breezes at Old Orchard, in the State of Maine, and his office in the city was closed. In this difficulty it was resolved to make a personal service upon the attorney at Old Orchard, and a bailiff was specially despatched for the purpose. It was objected that this service was not valid, because "the Queen's writ does not run in the United States." The Court of Appeal unanimously held that the objection was untenable, and it was over-ruled.

COURT OF QUEEN'S BENCH.

QUEBEC, May, 1886.

DEMERS, Appellant, and GERMAIN, Respondent.

C. S. L. C., Ch. 51—Water Course—Dam.

Frchette & La Compagnie Manufacturière, 7 L. N. 34, commented upon.

RAMSAY, J. This is a very simple case: the only issue of fact being, whether a mill-dam, which had become ruinous, had been re-built