

The Legal News.

VOL. VI. MARCH 17, 1883. No. 11.

CRIMINAL LAW AMENDMENTS.

We have received a copy of Mr. Cameron's Bill to extend the provisions of the Act respecting offences against the person, as amended in Committee. It is now reduced to three clauses applying to sexual intercourse, (1) between parent and child; (2) between brother and sister of the age of fifteen or upwards; and (3) between grandparent and grandchild. Persons offending shall be deemed guilty of felony, and the punishment enacted is imprisonment, not exceeding ten years, in gaol or penitentiary.

Offences of the character to which the Bill applies, have happily been so rare that serious doubts were expressed in Parliament as to the propriety of putting such a measure on the statute book. Some time ago, however, we read in the charge of a Judge to the Grand Jury, in one of our rural districts, that the offence was on the increase in the country. If it be so, we suspect that it proceeds from causes which will be only slightly affected by the punishment enacted by Mr. Cameron's measure. The horror which this offence inspires is so universal that probably none but those who are naturally of weak intellect, or who have been degraded by various causes to the level of brutes, are guilty of it. Reference was made in the House to the execution of Burns at Montreal. In that case the prisoner, if we remember aright, had been long living with his family, in nearly total solitude, in a remote district; and further, the case stands almost alone in our criminal annals. If the existence of the evil be recognized, it should be combated by the spread of education and enlightenment, and the vigilance of priest and missionary. The locking up in our gaols or penitentiaries of imbeciles, or those who are all but imbecile, cannot be expected to do much towards bringing about a better state of things.

APPEALS FROM SUPREME COURT.

The Judicial Committee of the Privy Council have recently granted leave to appeal from two decisions of the Supreme Court of Canada—one is in the case of Mr. Doutré, Q.C., a suit for professional services, and the other is the case of *McLaren v. Caldwell*, 5 L. N. 393.

NOTES OF CASES.

COURT OF REVIEW.

MONTREAL, Feb. 28, 1883.

TORRANCE, J., RAINVILLE, J., JETTE, J.

[From S. C., Beauharnois.

QUIMET *es qual.* v. FONTAINE.

Action against Secretary Treasurer of Municipality
—Delivery of books, etc.

A secretary-treasurer of a municipality may be condemned to deliver up the books, papers, and monies of the municipality, and also to pay the penalty for default to make delivery.

TORRANCE, J. This was an action by the superintendent of education, under 40 Vict. c. 22, against the defendant, as having been secretary-treasurer of the municipality of the parish of St. Antoine de Chateauguay, to have him ordered to deliver up to the president of the Commissioners of the municipality, the books, papers, and monies of the municipality, and also to have him condemned to pay a sum of \$1,000, being \$20 per diem for his defaults in not making such delivery between the 21st October, 1880, and the 9th December, 1880. Judgment went against the defendant for \$250 for his defaults, being \$5 per diem, and he was ordered to make delivery of the books, papers, and moneys in question. The defendant made a variety of objections to the demand.

1. As an official, he was entitled to notice of action, and no notice, he says, was proved. We find, as the court has already found, notice duly served.

2. He complains of *cumul d'actions*, and denies the right to demand at the same time, the order for delivery of the books, etc., and for the penalty. This has been ruled against him by the court, citing 40 Vict. c. 22, s. 22. We find no error here.

3. He also sets up the engagement with the corporation of St. Antoine Abbé, whereas the demand was by the corporation of St. Antoine de Chateauguay. It was explained and proved that the description of St. Antoine Abbé was a clerical error, and that the corporation which complained was the corporation with which the defendant contracted.

4. The defendant also complained of a *faux* in the resolution by which he was removed from office, alleging that no such resolution was passed or recorded, on the 2nd October, 1880. This was also rightly ruled against him.