

## The Legal News.

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A singular controversy with a judge is pending in Georgia. About a year ago, judge McCay, of the U. S. district court, was for a time in a state of nervous prostration, and was treated in a sanitarium in Philadelphia. The learned Judge, on leaving the institution, returned to Georgia and resumed his judicial duties. Now, a Mr. Fry, a member of the bar of Judge McCay's district, has instituted proceedings to test the judge's sanity. It appears that Mr. Fry is counsel in a number of suits for damages against a railroad company. The road is in the hands of a receiver, and is about to be sold. When the cases came up, Judge McCay postponed the hearing. Mr. Fry urged that the road was to be sold before the time fixed by the Court for a hearing, and that his clients would lose their rights; but the determination of the judge remained unshaken. Mr. Fry now, by a writ *de lunatico inquirendo*, demands the appointment of a commission to inquire into the judge's sanity. The matter created a good deal of excitement; a meeting of the bar was called, but, like many similar meetings not so far away, amounted to nothing. A contemporary, referring to this case, and to the necessity of providing some mode of relieving the bench of certain classes of its members, says: "When a judge reaches that period of life at which he cannot with patience listen to a fool, he is unfit to be a judge." We are afraid that this is rather a severe test.

A law school has been established in the capital of Japan, and a fair start will now be afforded to the profession in the land of the Mikado. At the annual banquet Mr. Masujima was enthusiastic in his praise of the English law. "Our aim," he said, "is a nobler one; we desire to reach the pure practice and principles of English law, or, more correctly, Anglo-American law. We wish to make our fellow subjects law-abiding and

self-governing; to afford some of our countrymen a position and a profession so that they may understand the advantage of each one attending to his own business!" More than six hundred "bright young men" are already enrolled upon the books of the college, and we may expect at no distant date to see how the principles enunciated by Coke and Blackstone are applied to the institutions of this ancient realm.

The criminal law, though of extreme simplicity in the great majority of cases, still presents some anomalous features. For example, the *Law Journal* (London), in reference to a recent case, observes: "The law in regard to crimes by British subjects abroad is woefully defective. Except where altered by statute, there is no jurisdiction to try in England for a crime which is not committed within the body of an English county or on board a British ship. In regard to murder and manslaughter, a British subject may be tried in England if the crime was committed on 'land out of the United Kingdom.' As the Treasury counsel points out, this does not include murders at sea, as to which and other offences by a British subject on board a foreign ship there can only be a conviction if the accused is not one of the crew. Persons contemplating crime abroad followed by flight to England must not rely too fully on Mr. Wright's instance in which a fugitive was prevented from being given up to the foreign tribunal by reason of the treaty not allowing the surrender of British subjects. Only a small minority of the treaties are so restricted, and the case of *De Tourville*, a British subject surrendered to Austria and tried for a murder in the Tyrol, will be remembered. The treaties so restricted are—but it is as well, perhaps, not to say, seeing that crime is now a fine art, including the knowledge of the law."

The case of *Wadsworth & McCord*, M.L.R., 2 Q.B., 113, has been reversed by the Supreme Court. The Chief Justice and Mr. Justice Cross dissented in appeal, and we understand that the Supreme Court was also divided, Justices Fournier and Taschereau dissenting.