

The Legal News.

VOL. VI. FEBRUARY 17, 1883. No. 7.

REVOCATION OF PARDON.

We notice a somewhat peculiar case in relation to the pardoning power, which has come up in Ohio. Gov. Foster recently pardoned a convict who had been sentenced to imprisonment for life for the murder of his brother. The pardon was granted on the certificate of physicians to the effect that the convict was in the last stages of a fatal disease, and would only get home to die. But the truth was that the man had cunningly deceived the doctors. He was carried out of the prison too weak to stand and scarcely able to speak. But he grew rapidly stronger when he was put into a conveyance to be taken home, and he recovered his full strength as soon as he had safely reached his journey's end. Gov. Foster, being informed of the facts, and finding that he had been made the victim of a trick, promptly revoked the pardon and had the man taken back to prison. Now the question has come before the Supreme Court of Ohio, whether the Governor had power to revoke the pardon. The case is a novel one, and has attracted considerable attention on the part of the bar. "An able Ohio lawyer" is said to have expressed the opinion that not only did Governor Foster do right in promptly revoking the pardon, but that there is no legal power anywhere to interfere with this vindication of justice.

COUNSEL FEES.

The question as to the right of action of a counsel for his fees was recently discussed before the Queen's Bench division at Toronto, in the case of *Hodgins v. Oille*. This was an action brought by Mr. Thomas Hodgins, Q.C., against certain members of the Reform Association of the county of Lincoln, to recover a large sum of money for professional services rendered as counsel in the Lincoln scrutiny case. The case was tried at Hamilton at the last Fall Assizes before Mr. Justice Patterson and a jury, and a verdict was given for the defendants. Last Michaelmas term, a motion was made to set

aside the verdict and for a new trial, but judgment was given, Feb. 6, by the Queen's Bench Division, sustaining the verdict and refusing to interfere. Mr. Justice Armour thought it a very doubtful question whether or not a counsel can sue at all for his fees, the chief difficulty being that it involved the correlative remedy by a client against a counsel for negligence.

ATTORNEY'S RIGHTS.

We notice that a question somewhat similar to one which has caused much embarrassment in our Courts, presented itself lately in Ontario. The point came up in Chambers before Mr. R. G. Dalton, Q.C., in a suit of *Leonard v. Leonard*. The action is one for alimony, and before trial the parties interested settled the suit, the wife agreeing to go back and live with her husband. The question then came up, who was to pay the costs of the plaintiff's solicitor. He failed to collect them from either party, and moved in Chambers for an order to compel the defendant, *i.e.*, the husband, to pay the amount. Mr. Dalton held that the request was not unreasonable, and that under the authorities he could make the order. This is said to be the first or one of the first decisions on the point in the Ontario Courts.

BLACKMAILING.

A clergyman of Brantford, named Beattie, has just suffered extreme annoyance and narrowly escaped utter ruin from the artifices of a plausible adventuress. This young woman, for a short time a member of his household in the capacity of companion to his wife (who is said to have been anxious to obtain grounds for a divorce), brought most serious charges against him. Too many are ready to credit such charges without proof, and the reputation of the clergyman was probably blasted in the opinion of thousands of the community, when the antecedents of the girl were exposed through the enterprise of the Toronto press. She had already stood the fire of cross-examination by counsel with the utmost coolness, but the revelations of her past life were so incredibly vile that she at once fled from the country. The *Mail*, referring to this case, and probably having in mind the measure noticed in 5 Legal News, p. 85, says: "Here we