

These old judges, when a case is wrong, do not strive to "distinguish" it from other cases which are not in substance different, but openly and perhaps scornfully discard it. Reference may be made to one of the most distinguished and able of them, Sir Anthony Fitzherbert, of the time of Henry VIII., author of the "Grand Abridgment" and other valuable and learned works. After rebuking in a particular case the conduct of certain executors, as acting wrongly without legal advice and solely according to their own opinions, some one cited a case in their favor. Fitzherbert called out from the bench (apparently to the lawyers or students who were busy taking notes), "*Strike that case out of the books, for without doubt it is not law.*" The reporter adds as he frequently does when any important decision is rendered, "NOTE THIS" (quod nota). The reporter, however, as in duty bound, supplies for publication both decisions, the bad and the good, with reportorial impartiality (27 Henry VIII., p. 23, case 21).

Another highly interesting feature of these Books is the evidence that they supply of the distance that modern society has drifted from the questions that agitated men's minds in the early days. The Books were then full of controversies concerning fine distinctions in the law of real estate, or as to technical actions, and the shadowy lines dividing them. Commerce had then scarcely lifted its head. The rights of men under contracts were vague and undetermined. Even the lines that bounded ownership in personal property were vague and indistinct. Violent acts were frequent, and the officers of criminal justice were full of employment in curbing the lawless acts of powerful men. Much of the learning worked out by the able men of the time has become obsolete, as much of ours will be when three or four more centuries have expired. But in these Books there is much that will never grow old, nor its value be impaired by lapse of time. Men who are familiar with them will never cease to admire the freedom of discussion, the dauntless spirit of independence, the sympathy with the friendless, the love of justice and of learning, accepted as useful in that day, which everywhere pervade and

illuminate their pages. Nor will they fail to find in these old Books the germs of our existing body of law, which by a long and toilsome process of evolution has been developed from the simple and rudimentary cases of those days into a mass of rules marvellous and admirable to an extent never before witnessed in the history of the world, for their fullness and flexibility, and their easy adaptation to every phase of human action.—
Prof. Thos. W. Dwight, in Columbia Jurist.

COUR DE CIRCUIT.

JOLIETTE, 14 février 1885.

Coram CIMON, J.

ST. GEORGE V. GADOURY.

Election municipale — C. Mun. arts. 310, 311, 312—Contestation de l'élection.

Après l'heure expirée pour la nomination, le président de l'élection compte les électeurs présents favorables à chaque candidat, et pendant qu'il est à faire cette opération, cinq électeurs demandent poll; le président refuse poll, et recommence à compter à nouveau les électeurs présents favorables à chaque candidat, malgré les protestations des cinq électeurs qui persistent à requérir le poll, et proclame l'un des candidats élu.

JUGÉ :—Que cette élection est nulle.

Voici le jugement :

"La Cour, etc....

"Considérant qu'à une assemblée des électeurs municipaux de la municipalité de la paroisse de St-Jean de Matha, tenue en la salle publique de la dite municipalité, étant le lieu ordinaire des séances du conseil de la dite municipalité, aux fins d'élire deux conseillers en remplacement de Louis Marciel et de Norbert Durand, sortant de charge, laquelle assemblée tenue le douzième jour de janvier 1885, à dix heures de l'avant-midi, sous la présidence d'Evangeliste St-George, le dit Jérémie St-George, le présent requérant, dûment qualifié à être candidat à la charge de conseiller de la dite municipalité, a été mis en nomination suivant la loi comme candidat à la dite charge de conseiller en remplacement du dit Norbert Durand, l'intimé Sévérin Gadoury ayant aussi été mis en nomination comme candidat à la dite charge de conseiller en opposition au dit requérant;