innkeepers and their responsibility, *is* very similar, &c." Old Lindley Murray used to teach that a verb should agree with its subject in number.

The death of Mr. C. S. Cherrier, Q.C., which occurred at Montreal on the 10th instant, marks something like an epoch in the history of the bar. Mr. Cherrier was admitted to the practice of the law in 1822, so that his professional experience extended over the long space of sixty-three years. Lawyers then were not numerous, and Mr. Cherrier was soon engaged in a number of causes of importance. He had for partners several gentlemen who are conspicuous figures in the early annals of the Province. After about forty years of professional toil, Mr. Cherrier was placed, by the death of Mr. Viger, in the possession of an ample fortune, and thenceforward he needed only to labour for the welfare of others. The blessedness of assisting the poor and destitute was enjoyed by him in large measure. After his retirement from the active exercise of his profession Mr. Cherrier was tendered the position of Chief Justice of the Court of Appeal, but he did not care to resign the ease and leisure which were so dear to him for the duties of an arduous and exacting office. In his long retirement he preserved both mental and physical health unimpaired to the venerable age of nearly 87 years.

A NEW QUESTION OF CRIMINAL LAW.

Not long ago the judges in England were gravely deliberating whether it was justifiable homicide to kill your neighbour and eat him, because it was extremely probable that if you did not, both would die of starvation. With a unanimity, for which we should feel thankful, they decided that it was not. Now they are agitated by the question as to whether a cab-man who receives a sovereign for a shilling, and keeps it, is guilty of larceny. The Lord Chief Justice thinks he is, while Mr. Justice Stephen is of a contrary mind. The pretention of the crown seems to be, that the cabman either knew the piece given to him was not a shilling but a sovereign at the time he took it, or that the felonious intent when he became aware that it was a sovereign dates back to the time he took it. The difference of opinion must be owing to some statutory complication, for the old law on the point is very clear. "And this intent to "steal must be when it cometh to his hands "or possessions: for if he hath the possession "of it once lawfully, though he hath *animum* "*furandi* afterward, and carrieth it away, it "is no lareeny." Coke; 3 Inst., cap. 47, p. 108.

R.

NOTES OF CASES.

COURT OF QUEEN'S BENCH.

[Crown Side.]

MONTREAL, March 20, 1885.

Before RAMSAY, J.

THE QUEEN v. HENRY STERNBERG, and others, on an indictment for conspiracy with intent to defraud.

Indictment—Conspiracy to secrete property with intent to defraud—Essential allegations.

An indictment for conspiracy with intent to defraud, which merely alleges that the defendants did combine to secrete and make away with the property of one of them, A., with intent to defraud B. of a sum due to him by A., without alleging that A was insolvent and that it was in contemplation of insolvency the secreting was carried out, is insufficient.

The case for the Crown being closed, it was moved on the part of the defendants that there was no case to go to the jury; because there was no evidence of the combination, and because there was no sufficient offence set forth in the indictment.

RAMSAY, J. I intimated at the argument when the objections were made, that if the indictment was sufficient, there was evidence of combination and of fraudulent intent to go to the jury, so I need not enlarge on that point.

As to the second point I am with the defendants. The indictment sets forth that the defendants, to the number of four, did combine to secrete and make away with the property, &c., of one of them, Henry Sternberg, with intent to defraud a London firm of $