'When you saw this case, what was your opinion as to the defendant's treatment?' That, however, is not a legal aspect of this particular case, but only the mode of trying it by the lawyers; it is not in the law but in the mode of trying the case. But if he had not seen the patient, how are you going to ask him his opinion as an expert? In no mode that I know of except in a hypothetical case. Presumably the hypothetical question states the case as presented by the evidence. If it does not, the question is erroneous, but if it states the facts in the hypothetical question as developed in the evidence, then it is proper, and how else will you get the opinion of experts who have not seen the case? Another thing I have observed somewhat as a rule, that the lawyer is seriously at a disadvantage when examining an expert where he is not thoroughly conversant with the subject himself, for the expert in nine cases out of ten will down him. Unless he is thoroughly posted, crammed for that particular case, if you please, he is apt to come out second best. I think the case stated to-night is a good illustration of the fact that expert testimony often does more harm than good. It is a good deal in the general view of the jury, like a case against a corporation. Expert testimony does not weigh as a rule. It is my belief that I could take medical experts and prove that any man in America was insane, and I ask you doctors if that is not pretty nearly true? And if that is true, how can you expect it to have weight against the truth, for we all know there are some sane people in America. The thought is in the air, and it has an effect upon expert testimony of all kinds." In view of the facts above related it is not surprising that the legal profession and the public are not in love with expert testimony at all, not only of medical experts, for they give their evidence in no way differently from experts in other professions.—*London Law Times.*

JUDICIAL COMMITTEE OF THE PRIVY COUNCIL.

LONDON, July 27, 1889.

Present: LORD WATSON, LORD HOBHOUSE, SIR BARNES PEACOCK, SIR RICHARD COUCH.

SUSAN MCMULLEN alias MULLEN, Appellant; and DAME JANE WADSWORTH, Respondent.

Domicile—Matrimonial domicile—Declaration in Act of Marriage—Art. 63, C.C.

HELD:—*Where a person whose domicile was not in the Province of Quebec, was married in that Province, and declared in the presence of the priest who performed the ceremony that he was a "journalier de la Province de Québec," and he was so described in the certificate of marriage, that he did not lose his international domicile, and acquire a new domicile by election, so as to affect his status and civil rights.*

The words "for the purposes of marriage" in Art. 63, C.C., mean for the purpose of the solemnization of the marriage, and not that a person having his international domicile elsewhere, should, by a residence in the Province of Quebec for six months for the purpose of having his marriage solemnized there, lose his international domicile, and acquire a new international domicile.

The appeal was from a judgment of the Supreme Court of Canada (12 Can. S.C.R. 466), reversing a judgment of the Court of Queen's Bench, P.Q., reported in M.L.R., 2 Q.B. 113.

The judgment of their Lordships was delivered by

SIR BARNES PEACOCK:—

The question to be determined in this case is whether James Wadsworth, by his marriage in September, 1828, with Margaret Quigley, widow of James McMullen, subjected himself to the legal community of property as then established in Lower Canada.

The majority of the learned Judges of the Supreme Court held that his international domicile was not in Lower Canada or Quebec, and the special leave to appeal to Her Majesty in Council was not granted for the purpose of reviewing that finding, which depended upon a mere question of fact, but in order to determine what was the legal effect of the certificate or *acte de mariage*, signed by Wadsworth and his wife, in which he was described as a day laborer, of the city of Quebec, and by which two of the