

The Legal News.

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In *Reg. v. Mead*, 1 Burr. 542, a case in which John Wilkes endeavoured to obtain re-possession of his wife by *habeas corpus*, Lord Mansfield held good a return to the writ that Mrs. Wilkes was living apart under a separation deed, but his lordship added that where a husband has not waived his right by such a deed, he has a right to seize his wife wherever he finds her. Mr. Justice Coleridge (*In re Cochrane*, 8 Dowl. 630), also held that a husband is entitled to exercise a certain degree of constraint towards a wife till she should be willing to return to her conjugal duties. A partially conflicting decision, by the Queen's Bench, is *Reg. v. Leggatt*, 18 Q. B. 781, where the court refused a *habeas corpus* to a husband for the purpose of restoring to him his wife, who was living with her son. Justices Cave and Jeune, sitting as a Divisional Court, in the *Jackson* case which has been causing so much stir in England, followed the *dictum* of Lord Mansfield in the *Wilkes* case, to the effect that a husband may seize his wife wherever he finds her, and refused to grant a *habeas corpus* to bring up the body of a wife detained by her husband, who had forcibly seized her. This decision has been reversed by the Court of Appeal, and the judgment is the more emphatic because it appeared that the husband had recently obtained a decree for restitution of conjugal rights, and the seizure by the husband was in aid of the decree. As this judgment of the Court of Appeal apparently overrules decisions which have been generally accepted, it is probable that the House of Lords will be called upon to settle the law upon this interesting subject. It is somewhat extraordinary that so important a point should not have been determined by the highest authority up to this date.

In the important case of *Vagliano v. Bank of England*, particulars of which will be found

in 12 Leg. News, pp. 38, 39, the decision of Mr. Justice Charles, there commented on, was subsequently affirmed by five out of six members of the court of appeal. The case was then taken to the House of Lords, where the judgments of the courts below have been reversed, six judges against two holding that the loss on the bills of exchange forged by Glyka must be borne by Vagliano Brothers. The final judgment has the concurrence of seven judges in all, while that which has been overruled has received the assent of eight judges. The Lords had the case nine months under consideration.

EXCHEQUER COURT REPORTS.

This is a series of reports recently instituted, independent of the Supreme Court Reports. They are printed by the Queen's Printer, and published, under authority, by the Registrar of the Court, Mr. L. A. Audette, LL.B., Advocate. The Reporter is Mr. Charles Morse, LL.B., barrister-at-law, official reporter to the Exchequer Court. Volume I contains all the leading Exchequer Court cases hitherto unreported, and there is also an appendix containing short notes of all the Exchequer Court cases which have been published from time to time in the Supreme Court Reports. Among the cases of special interest in this volume may be mentioned *The Queen v. The J. C. Ayer Company* in which an important question under the Customs Act was decided; and the famous case of *Paradis v. The Queen*, subsequently taken to the Supreme Court where the judgment was reversed in part, and the award of arbitrators restored. Part 1 of Vol. II has also been issued, containing 17 reports. The work appears to have been executed with great care. The head notes are clearly expressed and the reports are not too long, the opinions of Mr. Justice Burbidge having the merit of being concise and free from unnecessary matter. As many members of the profession are probably in ignorance that this series of reports has been commenced, we have much pleasure in directing attention to these issues.