not only his interests, but his honor, by a respectable and enlightened body of American gentlemen. My conclusion is that the plaintiff must exhaust his remedy within the club before appealing to the courts; that he cannot stop a proceeding of this character *in limine*, and that thus far, the club has acted strictly within its lawful jurisdiction under the constitution, to which the plaintiff (as well as all other members) has given his written assent."

The attempt to make Mrs. Langtry a citizen of the United States was beset by some difficulties. It appears from 31 Fed. Rep. 879, that Mr. Justice Field, of the U. S. Supreme Court, holding the Circuit Court at San Francisco, doubted the legality of the declaration of citizenship made by Mrs. Langtry at her hotel. He did not think the statutes gave authority for the clerk to take the records from the court, or to take a declaration anywhere but in open court. To permit the proceeding to pass without comment would establish a dangerous precedent, and gross abuses; those wishing to receive the sacred trusts of citizenship should attend at the place of the legal custody of the records. The law of 1876, 19 St. 2, c. 5, permitting the declaration to be taken before the clerk, did not authorise the clerk or deputy to remove records. Her counsel replied, that in the case of the widow of President Barrios of Guatemala, the records were taken to her hotel. Mr. Justice Field was not aware of that fact; the precedent was bad, and he suggested that Mr. Barnes inform Mrs. Langtry of the Court's doubt as to the legality of her declaration, which she could remove by repeating the declaration before the clerk at his office, or in open Court. The Court says in a note that the public journals state that Mrs. Langtry is not a *feme sole;* that her husband lives in Engand. If this be so, a wife is, by law, a citizen of her husband's country. No person can be a citizen of two countries.

SUPERIOR COURT.

SWEETSBURGH, Nov. 24, 1887.

Coram TAIT, J.

THE DENTAL ASSOCIATION OF QUEBEC v. GRAHAM.

Dental Association Act—Action for Penalty—Popular action.

HELD:—*That a suit, to recover a penalty under the Dental Association Act, is not a popular action within the meaning of Chap.* 43 *of* 27-28 *Vic., when instituted by the Association, and therefore an affidavit is unnecessary.*

PER CURIAM. The plaintiffs are incorporated by 46 Vic., cap. 34 (Q.), and section 19, as amended and replaced by Sec. 4 of the Act 49-50 Vic., cap. 36, enacts that prosecutions instituted for the recovery of any penalty imposed by the Act may be instituted and sued for in the name of the association, or by any person in his own name in the same form and under the same rules of procedure as ordinary civil actions for the recovery of debt in the Circuit or Superior Court, as the case may be, and by section 21 of said first cited Act all fines imposed by said Act are payable to the Treasurer of the Association and form part of the funds thereof.

The present action has been instituted by and in the name of plaintiffs, under said section 19, to recover penalties alleged to be due by defendant under said section, for having practised in this province as a dentist for remuneration, etc., not being licensed by the Association or registered as a member thereof.

The defendant pleads that this is a popular action within the meaning of the Act of the late Province of Canada, 27-28 Vic., cap. 43, requiring an affidavit.

The object of that statute was to prevent defendants from causing such actions (*i.e., qui tam*, or popular actions), to be instituted by friends of theirs who were in collusion with them in order to frustrate and delay such actions. But here the plaintiffs are authorized to bring and have brought the action in their own name, to recover penalties imposed for their own benefit and protection, and, although the statute says the