

## The Legal News.

VOL. IV. JULY 16, 1881. No. 29.

### DISCLOSURE OF PROCEEDINGS BEFORE GRAND JURY.

In the recent case of *United States v. Farrington*, (2 Crim. L. Magazine 525), the Court held that whenever it becomes necessary to the protection of public or private rights, any person may disclose in evidence what transpired before a grand jury. But the Court, being of opinion that it will not subserve any of the purposes of justice to disclose how individual jurors voted, or what they said during their investigations, held that these facts cannot be shown in evidence. In the case in question the attorney representing the private prosecutors had appeared as a witness before the grand jury with a number of bank books, and had read such selections as he pleased. His testimony was interspersed with comments upon the force and effect of the testimony, in the nature of an argument, which, in the language of the district attorney, was "animated, spirited and excited." On motion to quash the indictment, the judge remarked: "It is not the province of the Court to sit in review of the investigations of a grand jury, as upon the review of a trial when error is alleged; but in extreme cases, when the court can see that the finding of a grand jury is based upon such utterly insufficient evidence, or such palpably incompetent evidence, as to indicate that the indictment resulted from prejudice, or was found in wilful disregard of the rights of the accused, the Court should interfere and quash the indictment." In a note to the report two English cases are cited. In *Reg. v. Hughes*, 1 Car. & K. 519, it was held that, upon an indictment for perjury for giving false evidence before a grand jury, a person who was in the grand jury room at the time, as a witness upon the indictment then being considered, is competent to prove what was sworn to during the examination, on the ground that he was not sworn to secrecy, as the members of the grand jury were. In admitting the testimony, Tindal, C.J., said it was for the purposes of public

justice, and should be received. And in *Reg. v. Gibson*, 1 Car. & M. 672, which was a prosecution for a felony, a witness for the prosecution was asked, in cross-examination, whether he had not stated certain facts to the grand jury. Parke, B., said he saw no objection to the question, and thought the witness was bound to answer it.

### THE LATE LORD HATHERLEY.

The death is announced of Lord Hatherley—William Page Wood. The deceased was the second son of the late Alderman Wood. He was born November 29, 1801, graduated at Trinity College, Cambridge in 1824, was called to the bar in 1827, and was made Queen's Counsel in 1845. He represented the city of Oxford in Parliament from 1847 to 1852. In 1849 he was nominated Solicitor-General, succeeding the late Sir Alexander Cockburn. He left office in February, 1852, on a change of administration, but in December of the same year he was appointed a Vice-Chancellor on the promotion of the late Sir George J. Turner. This office he held for fifteen years, until in March, 1868, he was made one of the Lords-Justices of Appeal in Chancery. In December, 1868, he was appointed Lord Chancellor in the place of Lord Cairns, and created a peer, by the title of Lord Hatherley. As a judge the deceased was always held in great esteem by the bar and the public, though his decisions do not take the highest rank as authority.

### THE BAR EXAMINATIONS.

The examinations at Montreal, of candidates for admission to study and practice, have been concluded, and the result is announced as follows:—

*Admitted to practice*:—E. McMahon, J. B. Berthelot, T. T. Brousseau, A. David, J. O. Drouin, J. U. Emard, G. Foster, E. Guerin, E. Lamirande, W. Lighthall, H. G. Lajoie, C. A. Madore, A. S. Mackay, G. Raynes, L. J. B. Taché, L. E. Turgeon, A. G. Ingalls, W. A. Polette, J. E. Paradis, W. A. Weir, S. Jackson, A. G. Cross, E. Gauthier, J. D. Leduc, and R. S. Weir.

*Admitted to study*:—Auguste Delisle, R. Forest, A. Franchère, C. Lanctot, C. B. Daoust, L. P. Brodeur, C. Bruchesi, A. Bonneau, F. Charbonneau, J. H. Rogers, G. E. Malette, H. Pelletier, N. Rielle, C. S. Campbell, F. McLennan, A. N. Desautel, M. Landreville, F. Gerin Lajoie.