

## The Legal News.

VOL. VII. DECEMBER 13, 1884. No. 50.

### BUSINESS IN APPEAL.

The November Term began at Montreal on the 15th ult. with 80 cases inscribed. This was a decrease of 36 cases as compared with the November Term of 1883. The additional Terms of last winter account for the difference. Judgment was pronounced during the Term in 23 cases; the judgment of the court below was affirmed in 18 cases, reversed in 4 and reformed in 1 case. Eighteen cases were heard during the term, nine of which (the Provincial Tax cases) were argued together. We give elsewhere a *résumé* of each day's proceedings, which, we think, will be of interest, both to town and country readers, and often facilitate search as to the fate of particular cases.

### THE BEST MODE OF EXECUTING CRIMINALS.

The *Lancet* says:—"At length it is beginning to be recognised in France that the brain of a decapitated criminal lives, and consciousness is maintained, for an appreciable time, which to the victim may seem an age, after death—an opinion we strongly expressed many years ago. This ghastly fact, as we have no doubt it is, being perceived, it is beginning to be felt that executions cannot any longer be carried out by the guillotine. Prussic acid is now proposed. If instantaneous death be desired, this is clearly inadmissible. The period taken to terminate life by poison of any kind must needs vary greatly with the individual. In not a small proportion of instances we fancy death by prussic acid would be considerably protracted, and, although long dying is not so horrible as living after death—so to say—yet it is strongly opposed to the interests of humanity to protract the agony of a fellow creature dying by the hand of justice. Electricity is another agent suggested. We doubt the possibility of applying this agent so as to destroy life instantly. We confess that, looking at the matter all round, we incline to think that

hanging, when properly performed, destroys consciousness more rapidly, and prevents its return more effectually, than any other mode of death which justice can employ. It is against the bungling way of hanging we protest, not against the method of executing. That is, on the whole, the best, we are convinced."

### NOTES OF CASES.

#### COURT OF QUEEN'S BENCH.

MONTREAL, NOV. 26, 1884.

*Before* DORION, C. J., RAMSAY, TESSIER, CROSS and BABY, JJ.

DORION (def. below), Appellant, and DORION (plaintiff below), Respondent.\*

*Procedure—Account.*

Where a defendant, in an action asking for an account of his administration of real estate under a special agreement, pleads, first, that he has never been put in default to render an account, and has always been ready to account, and files an account with his pleas, and further pleads that he owes nothing under the alleged agreement, *held*, that the account accompanying his plea will not be rejected on motion as irregular and prematurely filed.

2. An account rendered in such case should not be rejected on motion, on the ground that the chapter of disbursements contains items having no apparent connection with the administration of the property, this being a question to be determined only on a *débat de compte*.

Judgment reversed.

*Dalbec & Madore* for the Appellant.

*Geoffrion*, Counsel.

*Pagnuelo & Lanctot* for the Respondent.

#### SUPERIOR COURT.

MONTREAL, NOV. 28, 1884.

*Before* LORANGER, J.

LOUJOY V. CAMPBELL, and THE PROTESTANT BOARD OF SCHOOL COMMISSIONERS, T.S.\*

*Salary of School-teacher* — 38 Vic., cap. 13—  
*Public Employee*—C. C. P. 628.

The defendant was a teacher in the em-

\*To appear in Montreal Law Reports.