

## The Legal News.

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### THE MONTREAL LAW REPORTS.

The Montreal Law Reports will be brought to a close with Volume VII of each series. Subscribers will observe that the parts yet to be issued, in order to complete the current volumes, will contain reports of decisions up to the end of the year 1891. The new official reports, about to be published by the General Council of the Bar, will take up the cases from January 1st, 1892, the new reports forming a continuation to Volume VII of each series of the Montreal Law Reports.

### THE LEGAL NEWS.

In answer to inquiries, the publishers desire to state that the LEGAL NEWS will be continued as heretofore, the official law reports, which are about to replace the Montreal Law Reports, the Quebec Law Reports, and other series of reports, not interfering with the scope of the LEGAL NEWS as a journal published in the interest of the profession. In Ontario, where a similar system of official reports has long been in existence, two journals of an exclusively legal character are sustained by the profession.

The LEGAL NEWS will continue as heretofore to supply:—

Early notes of decisions of the Supreme Court of Canada, of the Court of Exchequer, of the Courts in Quebec, including the minor Courts not comprised in the official series, with occasional United States and other decisions of interest. Also the Privy Council Appeals, with articles, communications, etc.

The LEGAL NEWS for the year 1892 will be issued in an improved form. The number of pages in each issue will be doubled, and the journal will appear twice a month instead of weekly.

Subscriptions will continue as heretofore, four dollars per annum.

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When *la grippe* visited this country about two years ago, the bench and bar were among the chief sufferers. Mr. Justice Church, of the Court of Queen's Bench, was prostrated, and his health has been seriously affected ever since. Justices Gill and Pagnuelo, of the Superior Court, as well as a great many members of the profession, were also incapacitated for a time. The report that Mr. Justice Jetté and his family were among the first victims this winter excited much regret. His Honour, happily, is progressing favourably towards recovery, but in the case of his venerable mother the illness proved fatal.

The case of *Union Pacific Railway Co. v. Botsford*, which will be found in the present issue, is of considerable interest, more especially as it appears to be the first case in which the question was raised before the Supreme Court of the United States. The point was whether, in an action for personal injuries, the court, before the trial of the cause, can order an examination of the body of the injured person. The majority of the judges of the Supreme Court hold in the negative. Two dissent. The plaintiff, it is admitted, may voluntarily undergo such examination in his or her own interest, but the defendant has no right to prove his defence by procuring an order for the inspection of the plaintiff's body. The principal ground of objection seems to be that the plaintiff should not be forced to submit to an indelicate exposure of person. No judge could give such an order without repugnance. The objection applies chiefly, however, where the plaintiff is a female. But in these days in which female physicians flourish, the objection does not seem to be insuperable. Why should not the examination of female plaintiffs be made by a female physician holding a diploma from a respectable medical college? In our courts the question does not seem to have been much discussed. In a recent case however, in the Superior Court, *McCombe v. Phillips*, an order was granted by Mr. Justice de Lorimier, for an examination by a physician of the body of plaintiff's minor child—the object being to obtain a medical report as to the nature of the injuries before the defendant filed his plea.