

The Legal News.

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MIDDLEMISS v. HOTEL DIEU.

The judgment of the Court of Queen's Bench at Montreal, in the case of *The Hotel Dieu of Montreal*, Appellant, and *Middlemiss*, Respondent, rendered on the 22nd of December last (*LEGAL NEWS*, p. 51), has been confirmed by the Judicial Committee of the Privy Council (13 July, 1878). The question was as to the right of the appellants to a commutation fine claimed from the respondent, Middlemiss, on certain property in the fief St. Augustin, by reason of his having obtained this property from the Crown in exchange for other property. The defence was that after the Crown acquired the property, it paid the indemnity due under the law in consideration of the extinction of all seigniorial rights; that these rights were then finally extinguished, and could not be revived by any sale or exchange that the Crown might thereafter make. The plaintiffs (the Hotel Dieu) replied that the indemnity paid represented only that indemnity which was payable by all *mains mortes* when they acquired immoveable property; that the tenure was only suspended, and when the property passed out of the hands of the Government the seigniorial rights revived. The Superior Court sustained the plaintiff's pretensions. In appeal this decision was reversed, Judges Monk and Tessier dissenting, and the judgment of the majority has now been affirmed by the Judicial Committee of the Privy Council. Their lordships hold that under the law of real estate as it was introduced into Canada, and as it existed here at the time of the transactions referred to, the acquisition by the Crown of lands held from a Seigneur as part of his fief, extinguished absolutely and for ever all feudal rights in such lands, and gave the Seigneur a mere right to an indemnity of one fifth of the price. The law being thus defined, their lordships further decided that the indemnity paid by the Government in 1860 was in fact the indemnity payable on the final extinction of feudal rights, and that the plaintiffs were entitled to nothing more.

The case has been very thoroughly and earnestly discussed, and their lordships compliment counsel on the great learning and ability with which it has been argued on both sides. It may be added that the proceedings before the Judicial Committee have been expeditious, the final decision being rendered within seven months after the judgment in our Court of Appeal.

THE SCOTTISH BAR.

There are many who lament what appears to them to be a great falling off in the learning, dignity, and greatness of the English bar. Goldwin Smith, in an address delivered before Convocation of McGill University, recognizing the fact, ascribed it in some measure to the overshadowing influence of the solicitor branch of the profession, which renders success at the bar next to impossible unless the aspirant is favored with a relative who enjoys a good business as an attorney. An article which we copied in our last issue from the *London Week* took a similar view. A like decay in the bar of Scotland has also been deplored by some of its members, but Professor Lorimer comes to the defence of his associates, and, in a letter addressed to the *Scotsman*, stoutly resists the imputation that the bar is not equal now to what it was in what are regarded as its palmy days. At the same time he wishes the bar not to restrict itself to too narrow a field of activity. The letter is as follows:—

1 BRUNTSFIELD CRESCENT,
JULY 17, 1878.

"SIR:—An addition to the bar of nine members in eight days, which has just taken place, is a social phenomenon too important to pass without notice in your columns. Nor is this all. The whole number for the year, I am told, is expected to be fourteen—the average for many years past having been eight. I do not profess to explain a manifestation of vitality so unequivocal in a body the decay of which was supposed, by many, to be a fact as incontrovertible as that of the Ottoman Empire. There is one explanation, however, which I can foresee will be given of it—not quite unwillingly, I fear, by those to whom, in its palmy days, it was an object of envy—I can at once put aside. The bar, they will say, has become democratic—it can no longer lay claim to the exceptional