

attacks of lawless plunderers. Confident in the protection of the laws of the land, he cheerfully pursues his daily labors, trusting that on his return he shall find all his property safe and unmolested. Repeal this law, and see the contrast: no man can trust himself for an hour out of doors without the most alarming apprehensions that on his return every vestige of his property will be swept away by the hardened robber. My lords, I think this, above all others, is a law on which so much of the security of mankind depends in its execution, that I should deem myself neglectful of my duty to the public if I failed to let the law take its course."

It is consoling that we have learned by experience that the "security of mankind" has not been greatly affected by the repeal of that barbarous law. At the present day some expedient for effectually restraining fraudulent bankrupts or dishonest directors of corporate bodies, from their nefarious practices, would be considered by most people of more importance to the security of mankind than a re-enactment of the law in question.

Townshend, in his biography of Lord Ellenborough, remarks: "So wilfully blind are the wisest men to the defects of a long established and favorite system, that Serjeant Hawkins declared that 'those only who took a superficial view of the crown law could charge it with severity,' at a time when old women could still be executed for witchcraft; and Lord Ellenborough declaimed at a period too recent, when prisoners might be pressed to death for standing mute and refusing to plead; when women might be flogged, to the outrage of female delicacy, and burnt to death in due form of law; when the horrors were not yet abrogated that formed part of the sentence of high treason; when criminals were slain in the pillory by the capricious fury of the mob; when flagrant but merciful violations of their oaths were in constant use among jurymen; when the twelve judges might be called into the open air to try a wager of battle, which time and civilization had strangely failed to abolish, and the sentence of death was pronounced with all its dread formalities by the reluctant judge, who had no intention of carrying the edict into execution."

#### ANGERS v. THE QUEEN INSURANCE CO.

The decision of the Court of Queen's Bench in the case of *Angers v. The Queen Insurance Co.* (ante p. 3) has been affirmed by the Judicial Committee of the Privy Council in a judgment delivered 5th July, 1878, present:—Sir James Colville, Sir Barnes Peacock, Sir Montague E. Smith, Sir Robert P. Collier, the Master of the Rolls.

**PER CURIAM.**—In this case their Lordships do not intend to call upon the counsel for the respondents.

This is an appeal from a judgment of the Court of Queen's Bench in Canada, affirming a judgment of the Superior Court of the District of Montreal. The judgment appealed against was unanimous on one of the two points to which the appeal relates, and was decided by four Judges against one on the other. The real decision was that the clauses of a statute of the Province of Quebec, 39th of the Queen, Chap. 7, which imposed a tax upon certain policies of assurance, and certain receipts or renewals, were not authorized by the Union Act of Canada, Nova Scotia, and New Brunswick; which entrusted the Province, or the Legislature of that Province, with certain powers. And the sole question their Lordships intend to consider is, whether or not the powers conferred by the 92nd section of the Act in question are sufficient to authorise the statute which is under consideration?

It is not absolutely necessary to decide in this case how far, if at all, the express enactments of the 92nd section of the Act are controlled by the provisions of the 91st section, because it may well be that, so far as regards the two provisions which their Lordships have to consider, namely, the subsections 2 and 9 of the 92nd section, those powers may co-exist with the powers conferred on the Legislature of the Dominion by the 91st section. Assuming that to be so, the question is; whether what has been done is authorised by those powers?

The first power to be considered, though not the first in order in the Act of Parliament, is the 9th sub-section. The Legislature of the Province may exclusively make laws in relation to "shop, saloon, tavern, auctioneer, and other licenses, in order to the raising of a revenue