

base a judgment of recusation upon. The petition for the writ of prohibition should therefore be dismissed, but the court seeing no sufficient reason for the information not being in the language of the deponent Bourgeois, orders each party to bear his own costs.

Paradis, for petitioner.

Girard and *C. P. Davidson, Q.C.*, for defendants.

COURT OF QUEEN'S BENCH.

MONTREAL, September 18, 1885.

Before BABY, J.

REG. V. CONSIDINE.

Jury discharged for special reasons—Trial recommenced with new jury.

A jury had been sworn on the previous day to try the prisoner, on an indictment for murder.

In the course of the trial it was made known to the Crown Prosecutor and to the Court that Aug. Guilmette, one of the jurors, came from a house where a bad case of smallpox existed.

The Judge discharged the jury. The case being resumed on the following day, the prisoner's counsel objected that the prisoner having been once put in jeopardy of his life, no new trial could be had.

The Court overruled the objection, and the trial proceeded before a new jury.

C. P. Davidson, Q.C., and *J. A. Ouimet, Q.C.*, for the Crown.

J. J. Curran, Q.C., and *Barry*, for the prisoner.

JURISPRUDENCE FRANÇAISE.

Ratification—Vente—Mineur devenu majeur—Connaissance du vice.

La ratification d'une vente annulable comme consentie par un mineur, résulte suffisamment, de la part de ce mineur devenu majeur, de ce que, actionné par le vendeur en résolution de la dite vente pour défaut de paiement du prix, il s'est borné à opposer à cette action en résolution, bien que connaissant le vice dont le contrat était entaché, une prétendue donation du prix que lui aurait faite le dit vendeur. (22 juillet 1885. *Cass.—Gaz. Pal.* 16-18 août 1885).

Tutelle—Compte—Reddition—Dépens—Faute du Tuteur.

Si, aux termes de l'art. 471 C. Civ., les frais de reddition du compte de tutelle doivent être mis à la charge de l'ayant-compte, cette règle souffre exception lorsque les frais ordinaires d'une reddition de comptes ont été aggravés par la faute, la résistance ou les prétentions injustes du tuteur, notamment, s'il a mis du retard à rendre compte et que ce retard ait nui aux intérêts du mineur.

(7 janv. 1885.—*Cour d'Appel de Lyon.—Gaz. Pal.* 26 août 1885).

THE ADMINISTRATION OF JUSTICE.

[Continued from p. 295.]

A single word expresses the present condition of the law—chaos. Every lawsuit is an adventure more or less into this chaos. An anecdote has been told by a newly appointed judge of his first appearance in the consultation chamber of a court of appeal. The several judges expressed their views, one after another, while one of them walked up and down the chamber, and at length stopping before the new-comer, asked him what he thought of the machine; the questioner heard the answer, and replied, "I thought when I came here that the law was known, but I found that it was only guessed at." What does this anecdote signify? The judges between whom the little conversation occurred were two of the ablest and purest in the State. They had the common law in all its amplitude, with its accumulations of a thousand years. If they had nevertheless guessed at it, is it not high time to try something else?

It is idle to think of going on as we are going. The confusion grows worse all the time. Chaos deepens and thickens daily. If one would see how it works, he has but to look into the case of *Bank of the Republic v. Brooklyn City & Newtown R. Co.*, 102 U. S., where he will get a glimpse of the chaos, and find also an invitation to the judges of New York to change their law, as if they were the Legislature of the State. "The glorious uncertainty of the law" has become too serious for a proverb. What is the remedy? Nothing more or less than a recurrence to first principles, and to have our law made by