

The Legal News.

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THE ENGLISH BENCH.

The retirement of Lord Justice Bramwell, formerly a judge of the Court of Exchequer, is noticed in the cable despatches. The rapidity of the changes on the English bench within the last dozen years has excited some remark. Within twelve years every judge on the common law side has died, retired, or been promoted. In the Queen's Bench, Lord Chief Justice Cockburn and Justices Shee and Quain have died; Justice Blackburn has become Lord Blackburn, Justice Lush has become a Lord Justice, Sir John Mellor has retired, and Sir James Hannen has gone to the Divorce Court. In the Exchequer, Chief Baron Kelly and Barons Channell, Pigott and Cleasby have died; Baron Bramwell has become a Lord Justice and has now retired. Baron Martin has also retired. In the Common Pleas, Chief Justice Earl has retired, Chief Justice Bovill and Justices Willes, Keating, Honyman, and Archibald have died. Mr. Justice Brett has become a Lord Justice, Mr. Justice Byles has retired, and Justice Montague Smith has been transferred to the Privy Council. On the Equity side, Lords Chelmsford, Westbury, Cranworth and Hatherley, ex-Lords Chancellors, have died, Lords Justices Turner, Knight-Bruce, Rolt, Giffard, James and Thesiger have died. Lord Romilly, Master of the Rolls, has also died. Vice Chancellors Stuart, Kindersley and Malins have retired, and Vice Chancellor Wickens has died. Sir James W. Colville, of the Judicial Committee, is also among the departed.

ENCOURAGING MURDER OF FOREIGN POTENTATES.

We give up a portion of our space this week to a very interesting case, *Reg. v. Most*, before the Criminal Court of Appeal in England, on a point reserved by Lord Chief Justice Coleridge. It has been decided that a newspaper article inciting to and encouraging the murder of foreign sovereigns comes within the statute, without proof that it was read by or influenced any particular person. The whole case, which

has been very fully examined by the learned judges, is of interest in these times, when so many persons seem to be desirous of procuring the assassination or removal of crowned personages and others in authority.

NOTES OF CASES.

SUPERIOR COURT.

MONTREAL, September 19, 1881.

Before TORRANCE, J.

Ex parte RADIGER, petitioner for certiorari, and HAWKINS, and BEAUDRY, respondent.

Commissioners Courts—Recusation.

Commissioners of Commissioners' Courts may be recused like other judges. A judgment rendered by a commissioner personally interested in the suit, will be annulled, though the ground of recusation was not invoked at the trial. Commissioners are bound to take notes of the evidence in writing.

This was a motion to quash a judgment of the Commissioners' Court at Hochelaga.

"The Court having heard the plaintiff and the defendant in this cause, and having examined the proof and the proceedings, and deliberated thereon, condemned the said defendant to pay to the said plaintiff the sum of \$5 cy. amount of debt, and \$1.70 amount of costs." The objection taken by petitioner, was that the commissioner sitting was interested in the litigation, being himself responsible to plaintiff for the amount. This interest was established by affidavit and not denied.

PER CURIAM. By C. C. P. 1185, 6, these commissioners may be recused like other judges, and the recusation must be in writing, and by C. C. P. 177, interest is a disqualification, and the party having a right to recuse may renounce his right save and except the case in C. C. P. 177, namely the disqualification of interest, which cannot be waived. No such recusation was made here though the ground must have been known, and art. 180 says, that a party aware of the ground is bound to make it known as soon as it comes to his knowledge. On this ground therefore the Court thinks that the judgment should be set aside. Vide also Paley, *Convictions*, pp. 38, 9. There is another consideration. There are no notes of the evidence given before the commissioner, and the Act creating these courts, does not exempt them from taking notes of