

The Legal News.

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A curious question of criminal law has arisen in Virginia. Mrs. Virginia Taylor was indicted and tried for the murder of her husband by poison, and was convicted of murder in the second degree. The Court set aside the verdict as contrary to law, as the statute makes murder by poisoning murder in the first degree. Afterwards, on the application of the prisoner, she was discharged without any further trial or proceeding, the Court basing its action in discharging her upon the statute which provides that 'if the verdict be set aside and a new trial granted the accused, he shall not be tried for any higher offence than that of which he was convicted on the last [first] trial.' (Code, § 4040.) The Court, in discharging the accused under the circumstances, by implication, if not expressly, held that a conviction of murder in the second degree was unwarranted by the law, and, as the statute quoted prohibited a conviction of murder in the first degree, and as the facts would not warrant a conviction of a lesser offence, the prisoner had to be discharged.

It is not imperative to file a *factum* before the Queen's Bench where the appeal is interlocutory, but counsel may do so if they wish, and it will be included in the taxation of costs. But if the *factum* is filed with the Clerk of the Court, the usual fee must be paid.

The death of Mr. Justice Sicotte, an ex-judge of the Superior Court of this Province, occurred at St. Hyacinthe on the 5th instant, at the age of 77. Mr. Sicotte was born in 1812; educated at the College of St. Hyacinthe; called to the Bar in 1838, and created a Q.C. in 1854. He filled several offices in the Government prior to his elevation to the bench, among others that of attorney-general in the Macdonald-Sicotte adminis-

tration formed in 1862. Mr. Justice Sicotte was appointed to the district of St. Hyacinthe, but frequently sat at Montreal, more especially in the Court of Review, and enjoyed an excellent reputation as a learned and able Judge.

JUDICIAL COMMITTEE OF THE PRIVY COUNCIL.

LONDON, July 27, 1889.

Present: LORD WATSON, LORD HOBHOUSE, SIR BARNES PEACOCK, SIR RICHARD COUCH.

LA CITÉ DE MONTRÉAL (plaintiff), Appellant;
and LES ECCLÉSIASTIQUES DU SÉMINAIRE
DE ST. SULPICE (defendants), Respondents.

Special leave to appeal—Principles upon which appeal from decision of Supreme Court is allowed—Exemption of educational institutions—District rate for drainage improvements.

The City of Montreal petitioned for leave to appeal from the judgment of the Supreme Court of Canada, 12 Leg. News, p. 178, reversing the judgment of the Court of Queen's Bench, Appeal Side, at Montreal, M. L. R., 4 Q. B. 1, and holding that the exemption from municipal taxes enjoyed by educational establishments under 41 Vict. (Q.), c. 6, sect. 26, extends to taxes imposed for special purposes, e.g., the construction of a drain in front of their property.

The judgment of their lordships was delivered by

LORD WATSON:—

This is a petition at the instance of the Municipal Corporation of the City of Montreal, for leave to appeal from a judgment of the Supreme Court of Canada, by which the Seminary of St. Sulpice, which is within the boundaries of the city, has been exempted from payment of a sum of \$361.90, about £70 sterling, being the proportion charged upon it, by the petitioners, of a special assessment made by them for the cost of constructing a main drain which runs in front of its premises. The Supreme Court, by a majority of four to one (Ritchie, C.J., being the dissentient Judge), reversed the decision of the Queen's Bench for Lower Canada, which was