caused a panic to arise among the audience leaving a theatre, whereby many of them sustained injuries, and amongst them A and B. The Court for Crown Cases Reserved held that he was rightly convicted. Stephen, J. observes that the word "malicious" is capable of being misunderstood, and he cites *Reg.* v. *Ward* L. R. 1 C. C. R. 356, and *Reg.* v. *Pembleton*, L. R. 2 C. C. R 119, where Lord Blackburn lays it down that a man acts "maliciously" when he wilfully and without lawful excuse does that which he knows will injure another.

WRIT OF SUMMONS—FICTION OF LAW.

Lastly we nave to call attention to *Clarke* v. *Bradlaugh*, p. 63, in the Court of Appeal, the hearing of which in the Court below we noted among the Practice Cases, 17 C. L. J. 343. The Court of Appeal now upheld the decision, holding that to issue a writ of summons is not a judicial act, and the Court may enquire at what period of the day it was issued. Lord Coleridge, C. J., observes that he does not recognize the universality of the rule as to the law taking no regard of fractions of a day even as to judicial acts; for it might, perhaps, be found that even of two judicial acts done on the same day, the Court would inquire, if it were necessary, which was done at the earlier time of the day, but, he said,—"I base my judgment on the safer and unassailable ground that there is an essential distinction between the writ commencing the action, and the writs issued in the course of the action." Brett, L. J., said: "As for the rule that judicial acts relate back to the earliest moment of the day, I know of no principle on which it can be founded. * * * The question is, whether those who promulgated the rule declared the issuing of a writ to be the act of the party, or whether they declared it to be the act of the Court. I think that they declared it to be the act of the party, and for these reasons:—The writ is issued before the action commences, it is issued on the application of the party, it cannot be issued without the application of the party, and it cannot be refused."

SUPREME COURT RULES.

At the opening of the Supreme Court, March 3, Sir Wm. Ritchie, C. J., before proceeding with the business of the Court, as much misapprehension appeared to exist as to the effect of the rules of this Court in regard to the printing required to be done in cases coming before this Court, read, for the information of the Bar, some observations which were addressed to the Minister of Justice on this subject, which showed conclusively, he stated, that there was not the slightest ground for attributing unnecessary printing to any failure on the part of the Court to make rules in reference thereto.

The Chief Justice read at length from the rules of the Court referred to, and called attention to the following memorandum of the Chief Justice and Judges of the Supreme Court in relation to a notice given by Mr. Blake of a resolution: "That in appeals to the Supreme Court of Canada, the printed Records in the Courts below should be accepted for the purpose of the Appeal without requiring the reprint of the same matter":—

The Supreme Court Act, section 28, provides that no writ shall be required or issued for bringing any appeal in any case before the Supreme Court, but that it shall be sufficient if the party desiring so to appeal shall, within the time limited in the Statute, have given the security required and obtained the allowance of the appeal. Section 29 provides tha the appeal shall be upon a case to be stated by the parties, or in the event of difference, to be settled by the Court appealed from or a Judge thereof, and the case shall set forth the judgment objected to and so much of the pleadings, evidence, affidavits and documents as may be necessary to raise the question for the decision of the Court. Rule No. 2 of the Supreme Court Rules provides that, the case in addition to the proceedings mentioned in the said section 29 shall invariably contain a transcript of all the opinions or reasons for their judgment delivered by the Judges of this Court or Courts below, or an affidavit that such reasons cannot be procured with a statement of the