

The Legal News.

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THE INSURANCE CASES.

In the case of *North British & Mercantile Ins. Co. v. Lambe*, which will be found in the present issue, Mr. Justice Jetté was called upon to decide a very interesting question of procedure, and he has determined it in a way that shows our system to be elastic enough to meet the requirements of new circumstances. The local legislature had imposed a tax upon insurance and other companies. The companies questioned the validity of the law, and refused to pay. Forthwith the Government instructed their solicitors to take legal proceedings against some two hundred companies. Two hundred bills of costs were about to be incurred to decide a single point—whether the Act imposing the tax is constitutional or not. Was this accumulation of litigation necessary or proper? The Court was asked to interpose to prevent the piling up of such a mountain of costs—costs which, it seems, the Government, if beaten, may decline to pay to the successful suitors. Forty of the insurance companies united in a suit to have the Tax Act declared unconstitutional, and they prayed for the issue of a provisional order to have the revenue officer enjoined to desist from proceeding until the question at issue was determined. There was no article of the Code to cover this case, and there was no precedent exactly in point. The learned judge, however, believes that the spirit of our Code as well as of the old law points to a compliance with the petitioners' request, and the order has issued.

JUDICIAL CHANGES.

The bench, it is too probable, is about to lose the services of some of its ablest and most experienced members. The senior Judge of the Superior Court in the Montreal district, the Hon. F. G. Johnson, has been granted a year's leave of absence, and has gone to Europe. Mr. Justice Johnson is entitled, by length of judicial service, to a pension, and it is probable that if he resumes his seat at all on his return from England, it will be for a short time only.

The next in seniority is Mr. Justice Mackay, appointed fourteen years ago. It has been currently reported for some time that the learned Judge would retire as soon as he had completed fifteen years' service. The bar have learned with great regret that while the full vigour of his honor's mental powers would seem to promise many years' usefulness in the future, his physical health has been so far impaired that change of climate for a time is desirable. Rumor adds that the retirement of Mr. Justice Sicotte is another event not far distant. The toil of the bench is becoming more and more arduous, and its duties cannot be faithfully discharged without considerable self-sacrifice. Fifteen or twenty years' judicial service from men not very young when appointed, seems to be about the most that can be looked for. In fact, if we turn back some twenty years, we find that the entire Superior Court bench in the Montreal district has been renewed from the ranks of the profession. So, too, the entire Provincial Court of Appeals has been changed, and there is but one member of it who twenty years ago was on the bench, being then an assistant judge of the Superior Court. In the other districts the changes have been about equally comprehensive.

NEW PUBLICATIONS.

COPYRIGHT IN BOOKS.—An inquiry into its origin, and an account of the present state of the Law in Canada; by S. E. Dawson. Publishers, Dawson Brothers, Montreal.

This was one of the "occasional lectures" delivered last winter before the Law School of Bishop's College, but the treatise contains such a generous fund of interesting information that Mr. Dawson has acted judiciously in making it accessible to the general reader. The author traces the origin of copyright, and shows how comparatively modern is the recognition of author's rights. The leading cases in England are briefly noticed, as well as the Acts which at different periods were passed for the purpose of regulating the subject. The latter part of the paper is devoted to an account of the battle in behalf of Canadian readers and publishers, and the enactment of the Canadian Statute of 1875, which gives the people of the United States the same privileges which they