

The Legal News.

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The judgment of the Queen's Bench Division in the case of *Conway v. Canadian Pacific Railway Co.*, 8 Leg. News, pp. 322, 332, holding that a railway company is not liable for omission to fence as against a mere squatter, has been taken to the Court of Appeal of Ontario, and has there been unanimously affirmed.

A cable despatch received on Thursday states that the Judicial Committee of the Privy Council have reversed the decision in *The Queen & Exchange Bank of Canada*, M.L.R., 1 Q.B. 302. Their lordships appear to have got over the difficulty interposed by Art. 611 of the Code of Procedure, and they have decided in accordance with the legal as well as the equitable view, assuming that Art. 611 were out of the way. It will be remembered that the judgment of the majority in the Court of Queen's Bench turned solely upon this article, and was given with the utmost reluctance. Mr. Justice Ramsay remarked:—"It is totally new law, as has been shown, I think, clearly, and it never received the least legislative sanction. Had matters remained in this condition, it would not be difficult to deal with Art. 611, C.C.P. It was a manifest addition to the Act, and must have been excised like any addition to the Parliamentary roll. But to avoid the litigation arising from this extraordinary source, the Legislature of this Province passed an Act, 31 Vic., ch. 7, by the 10th section of which it is provided that 'The Civil Code of Lower Canada and the Code of Civil Procedure of Lower Canada, as printed before the Union by the Queen's Printer of the former Province of Canada, have been and are in force as law in this Province.'" We are glad that this interpolation in the Code has been rejected, and await with some interest the grounds upon which their lordships base their decision.

Mr. Justice Stephen, in another case on the 2nd instant—*Reg. v. Baldwin*—entered more fully into the subject of prisoners making statements at their trial, though represented by counsel (*ante* p. 33). The observations which are reported on another page, will be read with interest.

The new Lord High Chancellor, Baron Herschell, is only 49. He was appointed Solicitor General in 1880, and now steps at once to the woolsack, Mr. Gladstone's Attorney General in the last Government not being prepared to accept his policy on the Irish question.

The new Attorney General, Charles Arthur Russell, is 53. He entered Parliament in 1880 as member for Dundalk. Mr. John Morley, the Chief Secretary for Ireland, is a member of the bar, but is best known as editor formerly of the *Fortnightly* and of the *Pall Mall Gazette*. Sir W. V. Harcourt, the Chancellor of the Exchequer, was Solicitor General in 1873-4, and was appointed Home Secretary in 1880.

English barristers are exercised over the increasing tendency of modern judges to talk instead of listening to the argument, thus preventing anything like a consecutive presentation of the case. One observer, by careful note, found that of every ten minutes occupied by the hearing of a case, counsel were permitted to speak for four minutes and a half. The rest of the time was occupied by the observations of the law lords. Lord Kingsdown is reported to have said that never, till he was on the bench, did he know "the energy it requires to hold your tongue." Of another distinguished judge, the story goes that he asked to be reminded if he should err in this particular. The occasion soon came, and his chosen monitor, like Gil Blas, was faithful to the trust reposed in him. But the answer immediately came back, in a note handed down from the bench, "You—fool, don't you see I am trying to bring him to the point!"

THE YEAR BOOKS.

It will be useful, before making translations from the Year Books, to make some