

Mackenzie & White, 20 L. C. Jurist, p. 22, that that there was no appeal to the Court of Queen's Bench in controverted election cases. A similar decision had been given in the case of *Cushing & Owens*.

But, further, the Court entertained no doubt that the Dominion Parliament had the right to pass the Act in question, by which the trial of controverted election cases was imposed on the Judges of the Superior Court.

Motion for appeal rejected.

Mathieu for petitioners.

Germain for respondent.

CIRCUIT COURT.

MONTREAL, November 23, 1878.

SMITH *et vir* v. CHRETIEN.

Wife sued as widow—Authorization.

The action was in ejectment, on a lease in which the defendant, the lessee, was described as "widow of Charles Gauthier."

She pleaded, however, an *exception à la forme*, that her husband was still living, and that she could not be sued without her husband being in the cause to authorize her.

The plaintiffs answered that the defendant was sued in the quality which she had taken in the lease, and further, that if she was really *sous puissance de mari*, she could not *ester en justice*, without authorization, as she had done.

RAINVILLE, J., before deciding the exception *à la forme*, ordered that the defendant's husband be called in within 15 days.

D'Amour & Dumas for plaintiffs.

Geoffrion, Rinfret, Archambault & Dorion for defendant.

CURRENT EVENTS.

ENGLAND.

REG. v. HUGHES.—A new and remarkable defence to an indictment for perjury was lately, after prolonged argument and consideration, held to be bad in law by the Court for Crown Cases Reserved. This defence reflects the highest credit upon the ingenuity of the prisoner; and its success, if it had been successful, would have reflected the deepest discredit upon our criminal law. The facts were as follows: A policeman, named Hughes, illegally obtained a

warrant for the arrest of a man named Stanley, without exhibiting any written information upon oath of the alleged offence at the time of obtaining the warrant. Hughes arrested Stanley under the warrant, who was brought before the magistrates; where he raised no objection against the jurisdiction of the magistrates or the legality of the warrant, not being aware of the illegality. Here Hughes gave evidence against Stanley (who was convicted and sentenced to imprisonment with hard labor), in the course of which he committed sundry perjuries, for which he was afterward indicted and convicted. He then raised the ingenious objection, that, the magistrates having had no jurisdiction to hear the case by reason of the illegality of the warrant, any false swearings committed by him during the proceedings were not perjuries in the legal sense of the term. The case (*Reg. v. Hughes*) was twice argued, at first before five judges, and afterwards before ten. Nine of the judges have now concurred in sustaining the conviction of the perjurer; and, after hearing the arguments upon which they decided, we are rather disposed to wonder that the case should at first have been thought so difficult. They held that a legal warrant was not necessary to give the magistrates jurisdiction; in a word, that the warrant is merely a process to compel the person accused to appear, not the source of the jurisdiction to hear his case when he does appear. We cannot but be very glad that the court found themselves able to sustain the conviction of Hughes; for the perils of the public would be visibly increased if a policeman, by surreptitiously obtaining an illegal warrant, could put a prisoner in much the same peril of being sent to prison as if the warrant were legal, while the policeman himself obtained *carte blanche* to commit as many perjuries as he chose without any fear of legal consequences.—*Law Times*.

COSTS.—They seem to have a great deal of trouble about "costs" in England. "A chancery lawyer" writes to the *Times*, that after a property has been sold in chancery, and nothing remains to be done but to tax the costs and divide the purchase-money—among the parties, we infer—it is three months before the costs can be taxed. So great is the gain of