

EDITORIAL ITEMS—LAW OF ARREST.

the manufacture of flour. It is stated in this work that not less than £1,000 a word has been spent in discussing the meaning of the sixteen words: "My invention relate only to sucking away the *plenum* of dusty air forced through the stones." Wherefore, it may be said, that this innocent inventor has achieved a more expensive result than the gray-headed fathers of the law who enjoy the glory of having framed the Statute of Frauds.

LAW OF ARREST.

Vice-Chancellor Strong, shortly before vacation in the case of *McPhadden v. Bacon*, decided a matter which has apparently heretofore been undetermined in this Province, with reference to the law of arrest. The question came up before him as to the right of a resident in this country to arrest a citizen of the United States (who had come here for a temporary purpose) under the Con. Stat. U. C., cap. 24, secs. 5 and 8. From the affidavits it appeared that Bacon and Shier, two of the defendants, were executors; that a large sum had been found due by both to the estate, but that, as between the executors, Shier was primarily liable; that Shier had sold out his property and had gone to the States some years before, about the time the Master's report fixing his liability had been made, and had there become naturalized, and that Bacon had since paid the amount; that Bacon had thereupon commenced an action for such sum against Shier in the States, and that Shier had come to this Province on a visit, but for the purpose of getting evidence to be used in the United States suit. The application was made in the original suit against the executors, which the Vice-Chancellor thought might be done, and that one defendant could apply for a *ne execut* or writ of arrest under such circumstances against another. The applicant for the writ, Bacon, swore that the defen-

dant Shier was here merely for a temporary purpose, and that he believed he was about to return forthwith to the States, and would, unless arrested, quit Canada with intent to defraud Bacon of his claim against him. The learned judge referred to *Brett v. Smith*, 1 Prac. R. 309, as being the case nearest in point, but observed that in that case the main question had been left undecided,—Richards, J., at the close of his judgment (p. 318), observing: "As the question of arresting a defendant during a temporary sojourn in this Province, who states his residence to be out of this Province, by a person resident therein, for a debt contracted out of this Province, is one of considerable importance, and has not been before discussed, I should be glad to have it settled by the full court." He then held that no facts and circumstances appeared in the affidavits to shew that Shier was about to leave Canada with intent to defraud anybody—on the contrary, his intent in leaving was to return to his domicile, and that an arrest under such circumstances could not be supported under the statute.

HONOUR TO WHOM HONOUR IS
DUE.

During a recent sittings of the English Exchequer Chamber, a little discussion occurred on a most delicate subject, involving no less than the determination of the question how the judges should be addressed by the bar. The *Solicitor's Journal* states what occurred as follows: "Mr. Holker, Q. C., who was arguing a case, in reply to one of the members of the Court, referred to the President for the day, who was Mr. Justice Blackburn, as 'my Lord.' That very learned judge immediately interrupted Mr. Holker, saying:—'You should not speak of me as 'my Lord;'' that is a title reserved for the three Chiefs. When you speak to one puisne judge of another, you should