

*The Legal News.*

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Mr. Hughes, the author of the well known Tom Brown's School days, became lately a county judge, and has already given a singular indication of his old love of athletics. A case came before him as to who was the winner of a pedestrian match; the judge suggested and the parties consented that the point should be determined by running it over again in his presence. The *Law Journal* comments on this as follows: "The course taken by Judge Hughes in the case of the walking match recently before him shows how difficult it is even for the judge to subdue the instincts of the natural man. As an old hunter put to hack works pricks up his ears, and perhaps jumps over the hedge at the sound of the voice of a pack of hounds, so the author of 'Tom Brown,' at the mention of a foot-race, throws off his wig, and is ready to hurry to the ash-path. When the evidence on the question who won the race is not clear, to order it to be run over again is the newest form of new trial. It is not an effective form, because the man who wins the race to-day is not necessarily the man who would have won it three months ago, and we fear it is not contemplated by the practice of any court of law, whether county court or other. For the judge of law to turn himself into the judge of the course, besides being a little undignified, might lead to an action being brought against himself in his own court. These methods are less suitable for this prosaic time than for the mythical days of Sancho Panza or Haroun Alraschid."

In the case of the *L. I. M. & S. Ry. v. Lea*, Supreme Court of Arkansas, where a passenger refused to deliver up his ticket because he could find no seat, and was ejected, the Court held that the contract was that he should have a seat. Neither party can sever the contract. The road cannot simply carry him without a seat. The passenger may refuse to give up the ticket, but cannot accept

the carriage without seat and not pay. No recovery could be had because of the ejection. He could sue for non-compliance with the contract.

A curious ground for a new trial came up in the case of *House v. State*, 5, Tex. Law Rev. 675, where the district attorney in his address to the jury said that "the State of Texas might be raked over with a fine tooth-comb, and a more notorious character than the defendant John House could nowhere be found." The Court held that this remark was ground for a new trial, and characterised it as 'an impassioned expression highly exaggerated, it may be, but inadvertently springing from the heat of debate.'

A personage clearly and distinctly outlined even in a community not lacking in definite and positive individuality has passed away from us. Mr. Joseph Doutre, who died on Wednesday after a severe and tedious illness, was not a great lawyer in any but a mere local sense, still less was he a great advocate; but he was certainly a very competent lawyer, quick to grasp the essentials of his case, patient and constant in urging its merits, and carrying it through with a courage and self-possession rarely disturbed. Add to these qualities a certain simplicity and directness of purpose, a large capacity for labour, long experience, indefatigable industry, and conscientious devotion to his client's interests, and you have the picture of a very safe counsel to be entrusted with important issues, and this Mr. Doutre undeniably was. He had a large measure of independence of character, without being the least bit of a crank; frank and courteous in his professional bearing; generous and whole-souled in his family and social relations. It was Mr. Doutre's fortune to be connected with a number of cases of special note, chief among which may be mentioned the celebrated *Guibord* case, which he fought with the utmost constancy and courage, finally securing a triumph before the Privy Council. The successful issue of this remarkable suit brought Mr. Doutre immense reputation, and a large and lucrative practice which subsisted without abatement until his appointment as counsel for the Canadian Govern-