

The Legal News.

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The Archbishop of Canterbury, May 11, rendered an elaborate judgment on the protest to the jurisdiction made by the Bishop of Lincoln on his appearance (*ante*, pp. 85, 93). The Archbishop reviewed the cases for five centuries back, and relied chiefly on that of *Lucy v. The Bishop of St. Davids*. In that case the bishop moved for a prohibition on the ground that he was "not cited to appear in any court whereof the law takes notice, for the citation is that he should appear before the Archbishop of Canterbury, or his vicar-general, in the hall of Lambeth House, which is not any court whereof the law takes notice." The prohibition was refused by the King's Bench. The bishop brought a writ of error before the House of Lords, but it was not received. The Archbishop, therefore, in the present case of *Read v. The Bishop of Lincoln*, decided that the Court had jurisdiction, and overruled the protest.

The repose obtained by Mr. Justice Papineau during a long *congé*, we much regret to learn, has not sufficiently restored the health of the learned judge to permit him to resume work, and his withdrawal from the bench is now a definite fact, the *Canada Gazette* of June 15 recording the appointment of Mr. Siméon Pagnuelo, Q.C., in his place. Mr. Justice Papineau was called to the bar in 1851, and appointed to the bench of the Superior Court 1st September, 1876. The learned judge was distinguished by a deep sense of the responsibilities of the judicial office and an earnest desire to discharge the duties faithfully. His judgments were carefully considered, and clearly expressed. No man more thoroughly conscientious, or more anxious to do justice, ever sat on the judgment seat. These qualities were universally appreciated by the bar, and the premature termination of Judge Papineau's judicial career has been sincerely lamented.

In the popular excitement over the Jesuit settlement question, it is satisfactory to note

the unbounded confidence which all parties express in a decision of the courts. As the majority of judges have at one time or another been engaged in politics, perhaps the agitators do not really believe the politicians to be so black as they paint them. If so, it is fortunate; for it is evident that a considerable proportion of Canada's judges in the future must be drawn from the 188 members of Parliament who voted against disallowance. It is impossible to suppose that all the light and learning are on the side of the famous thirteen who voted the other way; and in any case, the legal strength of the minority would make up but a small court.

In summing up in the case of *Parker v. The Bricklayers' Union, No. 4*, before the Court of Common Pleas of Hamilton county, Ohio, Judge Buchwalter observed: "Workmen may combine for the honest purpose of benefiting their order by encouraging favorable terms to their employers in the purchase of material, and to procure contracts for such contractors as employ members of their union; but they become engaged in illegal enterprise whenever they agree to accomplish their purpose by threats, intimidation, violence, or like molestation, either toward the apprentice, the expelled member, the non-union workman, the contractor and employer, the material man, or the owner who proposes to make a contract. The like rule of legality or illegality applies to the contractor or employer, as to the purpose for which he may become and act as a member of the so-called 'boss contractors' union. The threat may be by word, gesture, sign or tone, and when you consider whether any particular line or course of conduct, or thing said or done, has menace or threat in it, you must consider all the circumstances under which the thing is said or done, what reasonably was the intent sought to be conveyed by the person uttering the word or doing the thing. The intent reasonably conveyed must be to do some wrongful thing to the person or property, and in violation of the legal right of the one sought to be influenced. The intimidation meant is the effect of such things, said or done, or threat made, as reasonably put one in fear, and control his free-