

PRACTICE OF CONVEYANCING—RIGHTS OF WOMEN—FORBES V. McCLELLAND. [C. L. Cham.]

THE PRACTICE AND PAYMENT OF CONVEYANCING.

It is rather the habit of the present day to complain of the small fees payable to conveyancers, and of the invaders with which the Profession is troubled in the shape of auctioneers and accountants. In Canada, however, it appears that they are far worse off than we are; for a correspondent of the *Canada Law Journal* tells us in its last number that not only is the regular conveyancer narrowly watched in his professional conduct, and especially in the investigation of titles, but the unhappy fraternity has been almost entirely ousted from their legitimate sphere. "Schoolmasters, magistrates, clerks of division courts, and (until the Act of last session) registrars, Members of Parliament, township officers, and some others have monopolised the principal part of the conveyancing business in this country."

It is urged by the same writer that there should be a known and uniform standard of charges for lawyers such, in fact, as prevails amongst solicitors in this country; and we adduce this evidence to caution the Profession here against too earnestly desiring the *quantum meruit* system. There being no regular scale in Canada, a person who wants law work done goes from firm to firm until he gets the lowest tender. We do not conceive that such a plan would ever succeed in England, and it is as well at once to disabuse the mind of the public as to strengthen in opposition to it the feeling of the Profession. The *quantum meruit* might be well applied to conveyancing, but if it goes so far it is clear it should not be allowed to go farther.—*Exchange*.

RIGHTS OF WOMEN UNDER THE REFORM ACT.

The Hon. George Denman, Q. C. has addressed to a lady his views upon this vexed question He says:

I think it a very doubtful point. As the Bill was originally drawn, I have a strong opinion that it would have given the franchise to women (not married). It contained a clause saying that certain classes of "men" should be enfranchised, and in enumerating those classes, enumerated one of them as "every man who (being a male person) shall be," but that clause (the fancy franchise clause) was struck out. The matter now stands as follows: The Act gives the vote to "every man" who, &c., not being under any legal incapacity. The word "man" was not used in the Act of 1832 (2 & 3 Will. 4). but the words "male person." By 13 & 14 Vict. c. 21, s 4, it is provided that "words importing the masculine gender shall be deemed to include females (in all future Acts of Parliament), unless there is something to the contrary in the Act itself." It is argued, on the one hand, that the words "not being under any legal capacity" are words

to the contrary of "man" being held to include "woman;" on the other, that those words merely refer to "minority," "marriage," and such-like incapacities. There is this in favour of your view (and it may have been intended in high quarters), viz., that when I put the question to Mr. Disraeli, whether it was intended, he gave me an evasive answer; and when Mr. Mill proposed the word "person" instead of "man," he (Mr. Disraeli) abstained from voting: but that the House did not mean it is clear, from the fact that we who voted for it were in a considerable minority. With this, however, no judge has any thing to do. It is a pure question of law, and I think, a very arguable one as it stands.—*Exchange*.

ONTARIO REPORTS.

COMMON LAW CHAMBERS.

(Reported by HENRY O'BRIEN, Esq., Barrister-at-law,
Reporter to the Court.)

FORBES V. McCLELLAND.

Slander—Application to plead several matters—Justification.

In an action of slander the plea of not guilty puts in issue the defamatory sense imputed to the words alleged to have been spoken.

A plea of justification seeking to justify the use of the words in a sense different to that imputed will not be allowed.

A general plea of justification will.

[Chambers, Sept. 17, 1863.]

This was an action of slander. The declaration contained four counts. The first count alleged that the plaintiff carried on the business of buying and selling cattle, and that the defendant falsely and maliciously spoke and published of the plaintiff in relation to the said business and the carrying on and conducting thereof by me, the following words "Beware of these Highland rogues, they will cheat you if they can, and don't allow your cow to go out of the field until they pay you, for they have cheated me out of nine dollars for a cow," whereby the plaintiff was greatly injured in his good name, credit and reputation, and in his said trade and business.

The 2nd count. That on the 5th June, 1863, the plaintiff personally appeared before Alexander MacNabb, Police Magistrate of the City of Toronto, and laid an information and complaint before him, as such Police Magistrate as aforesaid, upon her oath duly taken and administered by and before the said Magistrate against the defendant, charging him upon oath that he did, in the City of Toronto, on the 4th June, 1863, use grossly insulting language to her, the plaintiff, on the public streets of the said City of Toronto, an offence against a by-law of the said city, and over which the said Magistrate had jurisdiction to enquire and to take the said information, &c., and the plaintiff having been sworn, &c., the Magistrate issued his summons therein against the defendant, and the defendant after the laying of the said information and complaint as aforesaid, and after swearing to the truth thereof, as aforesaid, by the plaintiff, and before the commencement, &c., falsely and ma-