

CLUB LAW.

it stands, as of pronouncing sunshine and water nuisances, because of occasional sunstrokes and malaria.—*Albany Law Journal*.

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Mr. Labouchere has been reinstated in the Beefsteak Club, by the decision of the Master of the Rolls that he was irregularly expelled. Now the Beefeeders will probably try it again. Since our last, the decisions of the same judge, in the case of Major Fisher, of the Army and Navy Club, has been published: *Fisher v. Keane*, 41 L. T. N. S. 335. The major had been a member of that club about twenty years. One evening, after dining there, he joined a game of pool, one of the players being a guest of another member of the club, and also a friend of the plaintiff. The guest, finding the game did not proceed so rapidly as he desired, said to the plaintiff, "Get on, I want to go home; you are drunk." The plaintiff answered, "I don't think I would say such a thing to you at your club," and the guest replied, "You are drunk." Thereupon the plaintiff said "You are a d——d liar," or "its a d——d lie." A rule of the club empowered the committee, in the case of conduct by any member, injurious to the character and interests of the club, to recommend him to resign, and if the recommendation should not be observed within a month, to call a general meeting which should decide the matter by ballot. If the committee are unanimously of the opinion that the offence is so grave as to warrant immediate expulsion, they are empowered to suspend, which becomes final, unless within twenty-one days twenty members demand a general meeting. The committee consists of twenty-four. The major's offence was reported to them at a meeting at which nine were present (three forming a quorum), and having examined two members who were present at the incident, they suspended the major. The major had no previous notice of this action, but meantime had written an apology to the guest, who had expressed his satisfaction to the committee. He also explained to the com-

mittee that he had some years before met with a severe fall, which had made his head weak, and offered to make any apology deemed requisite. The only answer of the committee was to "bounce" the major at the end of twenty days. This action was subsequently approved by a large majority at a general meeting. Now the Master of the Rolls says this was all wrong. He holds that the unanimous consent of the entire committee was necessary to suspension, and that the unanimous consent of those present at the meeting was not sufficient. He then concludes :

"As to the second ground, in my opinion a committee acting under such a rule as this are bound to act, as Lord Hatherley said, according to the ordinary principles of justice, and are not to convict a man of a grave offence which shall warrant his expulsion from the club without fair, adequate, and sufficient notice, and an opportunity of meeting the accusations brought against him. They ought not, as I understand it, according to the ordinary rules by which justice should be administered by committees of clubs, or by any other body of persons, who decide upon the conduct of others, to blast a man's reputation forever, perhaps to ruin his prospects for life, without giving him an opportunity of either defending or palliating his conduct. In my opinion, upon this ground also, the committee have not acted properly or fairly."

The conduct of this club strongly resembles that of a ministerial convention or a women's sewing society. It seems to our blunted perceptions that the major ought to have been acquitted, and the guest suspended; but we don't know much about clubs. The case of *Hopkinson v. Marquis of Exeter* is reported in L. R., 5 Eq. 63; 17 L. T. N. S. 368. See, also, *Dean v. Bennett*, L. R., 6 Ch. 489; 24 L. T. N. S. 169; *Reg. v. Governors of Darlington School*, 14 L. J. 67, Q. B. See, also, Angell & Amos on Corporations, 10th ed., § 410, note (a).—*Albany Law Journal*.