

## The Legal News.

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In a recent case in England, *Pescod v. Pescod*, Mr. Justice Kay had to dispose of an interesting question in connection with the appointment of umpires. Two arbitrators failing to agree upon an umpire, decided upon the simple way of choosing one by lot. Accordingly two names were written down on separate pieces of paper—one by each arbitrator—which were placed in a hat. A third person was called in to select one of the slips of paper, and the name first drawn from the hat was appointed. Subsequently the arbitration proceeded; several meetings were held, but an agreement could not be come to, and ultimately the defendant moved for an injunction to restrain the umpire from proceeding, on the ground of the irregularity of his appointment. Mr. Justice Kay, in giving judgment granting the injunction, pointed out that if the case had been that, before drawing lots, the umpire had been known to both the arbitrators, and they had agreed that he was a fit person for the post, the appointment might have been allowed to stand; but for an arbitrator to assent to the appointment of an umpire of whom he knew nothing was an evasion of his judicial duty, which it was impossible to uphold. The appointment of an umpire should always be made with the greatest possible care. If a difficulty in the selection of a proper person should arise, an easy remedy is provided by the Common Law Procedure Act.

The *Chicago Legal News* notices the fact that Leopold Newhouse was committed by Judge Prendergast for ten days for contempt of court, in testifying falsely in a matter before the court. "The punishment of course," says our contemporary, "is not for the crime of perjury, but for the imposition upon the court. Every court has the power to protect itself from imposition. Newhouse, should he be proved guilty, may still be indicted and punished for perjury. Judge Bradwell, when he was judge of the same court, committed

Richard Rainforth to jail, and kept him there for one year for pretending to die and imposing upon the court by having his will presented for probate so as to obtain thirteen thousand dollars life insurance money."

The January appeal term in Montreal, opened with 93 cases on the printed list. The following statement shows the number of inscriptions on the January list in the five preceding years:—1883, 111; 1884, 92; 1885, 84; (additional terms were held in 1884-5) 1886, 105; 1887, 104. Twenty civil cases and two Reserved Cases were heard in January.

It is a curious, and perhaps significant fact, that the English Solicitor-General, addressing the Birmingham Law Students' Society on the 18th January, argued strenuously in favor of the fusion of the two branches of the profession.

### PUBLICATIONS.

THE REFERENCE BOOK: being a detailed index of all public and private statutes and orders in council, passed by the Canadian Parliament and by the legislatures of the several Canadian Provinces, since Confederation, down to and including the year 1887; by J. F. Dubreuil, Esq., Advocate, Deputy Sheriff, Montreal. Second Edition; Montreal, A. Periard, Law Publisher.

The first edition of Mr. Dubreuil's extremely useful book appeared in 1879, and comprised 320 pages. Since that time the Dominion of Canada has advanced rapidly, the growth of the country has called for large additional legislation, the Dominion Statutes have been revised, and consolidation has been effected in some of the Provinces. The editor, therefore, had to deal with a large additional mass of legislation, and the new Index, notwithstanding rigorous condensation, comprises 408 pages. The great utility of such a work hardly needs to be pointed out. The former edition was found to be executed with great care, and very few errors were observed. We have no doubt that the present work has been compiled with equal accuracy, and will be found of immense advantage to the profession, and to all who have occasion to consult the somewhat perplexing mass of statute law.