

The Legal News.

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The March Appeal term at Montreal opened with 104 cases on the printed list, being 1 case less than at the beginning of the January term. Twenty-six cases were disposed of as follows: Heard, 24; submitted on factums, 1; dismissed on motion, 1. About eighty cases remained over.

The Court, by a rule promulgated on the 27th March, and which will appear in our next issue, has made an attempt to deal with the abuse of overgrown factums, by cutting down the taxable cost of printing from \$2 to \$1 per page. It is doubtful whether this will meet fully the requirements of the case. The enormous factums complained of, which notoriously proceeded from one district only, appear to have been due to some speculation in the stenographic part of the evidence as well as in the printing. And as to cases in the Montreal district, the rate allowed is certainly less than that which first-class printers have been charging. The rule, of course, applies to the evidence as well as to the arguments, and as each party has to print, not only his own evidence, but the cross-examination as well, part of the matter is beyond his control, and he is not responsible for its length. It would therefore be unjust that he should be unable to tax his actual disbursements. It seems to us that if the rule now made, is adhered to, the effect will soon be visible in the mechanical execution of the factums sent up. There is no stipulation as to quality of paper, ink, press-work, or type, and if the price be forced down to the lowest point, excellence in these particulars cannot reasonably be expected. The true principle obviously is, that the amount actually disbursed should alone be taxable. There might be a maximum of, say \$1.50, but subject to contestation and reduction to actual cost by the party condemned to pay.

A third judge of the Superior Court, the Hon. Mr. Justice Mousseau, has been re-

moved by death within the short space of six weeks. Those who delight in mystic numbers and letters might find some scope for their theories in the coincidence of initials. McCord, Macdougall, Mousseau; all in their prime, the last only 48, have been called away in rapid succession from the active performance of their duties. Mr. Justice Mousseau, who was on the bench but a few days ago, succumbed to a fatal attack of congestion of the lungs, on Tuesday, March 30. The career of the deceased, though brief, was active and distinguished. He was born at Berthier in 1838; called to the bar in 1860; appointed Queen's Counsel in 1873; elected to the Dominion Parliament as representative of Bagot in 1874; entered the Ministry in 1880; became Premier of Quebec and Attorney General in 1882, sitting for Jacques Cartier. In 1884 he was appointed to the Superior Court Bench. Mr. Mousseau possessed considerable literary ability, and was also a sound lawyer. Had he been spared, he would doubtless have done good work on the Bench.

COURT OF QUEEN'S BENCH.

QUEBEC, Feb. 5, 1886.

Before MONK, RAMSAY, TESSIER, CROSS & BABY, JJ.

QUESNEL (deft. below), Appellant, and BELAND (plff. below), Respondent.

Sheriff—Agent for Government—When personally liable.

Where an agent acting for the Government discloses his agency, he is not personally liable until he has received funds to pay the amount due. It is not necessary, to make the agent liable, that he should have received a sum of money to pay the particular claim sued for; it is sufficient if he has received money to pay accounts of that kind. But, held, in the present case, that the evidence of his having funds was insufficient.

RAMSAY, J. This is an unusual action. The respondent, keeper of the district gaol of Arthabaska procured certain supplies for the gaol, and the deputy Sheriff, in the absence of the Sheriff, and without any special warrant or authority from him, but