

says: "An incident in the Bristol County Court raises a question which we think is of the utmost moment to the bench and the bar. A son of the judge appeared as counsel before him, and the counsel on the other side declined to go on with the case, as we gather, on that ground alone. We think the judge was wrong in suggesting that this step could in any sense be an insult to him." And the same journal adds: "To say that a barrister should never appear in a court presided over by his father may be unreasonable. But we most emphatically condemn the practice of barristers adopting a court in which to practice over which their fathers do preside or may preside alone." The *Law Journal* (also English) is not quite so outspoken, but its conclusion is not materially different. "In the United States," it says, "the impression has taken so deep a hold that an attempt has actually been made to pronounce a father disqualified, on the ground of interest, to try a case in which his son is engaged.* Such views of the situation are, it is needless to say, altogether without foundation. Judges' sons cannot be ostracised from the bar because their fathers were eminent lawyers before them. We do not for a moment believe that a single case on record has been decided in favor of a particular party because that party happened to be represented by the judge's son." But the *Law Journal* nevertheless admits, "if a son attach himself constantly to the court of his father, as a Queen's counsel in equity attaches himself to a vice-chancellor, it must be admitted that an impropriety is committed." The *Albany Law Journal*, we think, sums up the matter very fairly as follows:—"The difficulty in the case is four-fold: first, that a judge will always be presumed by the populace to lean in favor of his son; second, that the son will get business from the force of this presumption; third, that the judge will unconsciously be biased in his favor; or fourth, that the judge will do his son's client injustice from the fear of such bias. However pure, the judge and the son will always stand in danger. We think it would be better for everybody that a judge should read Chief Justice Ryan's remarks on nepotism, and should decline to hear a cause in

which his son is counsel or attorney. If we were a judge, and had a son who insisted on appearing before us as counsel, we should insist on disappearing."

NOTES OF CASES.

CIRCUIT COURT.

[In Chambers.]

MONTREAL, Aug. 26, 1880.

THE JACQUES CARTIER PERMANENT BUILDING SOCIETY v. ROY, and Pliffs., petitioners.

Coercive Imprisonment—C. C. P. 782—Defendant "conveying away" and "secreting" effects.

A defendant is liable to coercive imprisonment (under C. C. P. 782) for conveying away and secreting his effects under seizure, where said effects have been transferred to his father-in-law by a sale manifestly fraudulent and simulated, and defendant party thereto.

The plaintiffs recovered judgment against the defendant on the 17th December, 1879, for \$49, and costs, and now prayed that the defendant be condemned to imprisonment until satisfaction of the judgment, *nisi causa*, on the ground that he had conveyed away and secreted his goods, and thereby prevented the execution of the judgment.

The evidence showed that the moveables in question were advertised for sale under the judgment, on the 3rd January, 1880, but the sale was stopped by an opposition by the defendant alleging informalities in the proceedings. This opposition was contested by the plaintiffs and dismissed by the Court on the 12th March. The goods were again advertised for sale to take place on the 25th March, and the sale was suspended by an opposition by Théophile Girouard in his quality of assignee appointed under the insolvency of the defendant. This opposition was contested by the plaintiffs and dismissed by judgment of the Court on the 15th May, 1880. The goods were again advertised for sale to take place on the 28th May, and the sale was a third time stopped by an opposition by Joseph Dauphinais, who alleged that he had bought the goods from the assignee Girouard at a judicial sale by the assignee on the 19th May, 1880. This opposition was also dismissed

* See 3 Legal News, p. 232.