

## OBITUARY.—REVIEWS.

- "First-class Station."—See RAILWAY.  
 "Leave."—See STATUTE, 2.  
 "Payable."—See WILL, 3.  
 "Sale by weight."—See STATUTE, 1.  
 "Transaction."—See BANKRUPTCY, 2.  
 "Wife."—See WILL, 1.

## OBITUARY.

## JOHN SHUTER SMITH, ESQ.

Died, at his residence, Wildwood, Port Hope, on Wednesday, the 18th January last, in the 57th year of his age, JOHN SHUTER SMITH, Esq., Barrister at Law.

Mr. Smith was descended from an U. E. Loyalist, being the third son of Mr. J. D. Smith, nearly fifty years ago a member of the Parliament of Upper Canada, and a prominent man in the neighbourhood of Port Hope. His brother, is the County Judge of Victoria; the Hon. Sidney Smith, Inspector of Registry Offices, and several other brothers and sisters, survive him.

Mr. Smith, in 1831, commenced the study of the law, in the office of the late Hon. George S. Boulton, of Cobourg, and finished his time in that of Hon. M. S. Bidwell, at Toronto. In 1836 he was called to the bar, and practised with much success in Toronto for several years, as senior member of the firms of "Smith & Crooke," and "Smith, Crooke & Smith," his partners being the late Robt. T. Crooke and Larratt W. Smith, Esqs.; and again with the late Mr. Justice Sullivan and J. Hector, Esq., as "Sullivan, Smith & Hector;" and afterwards, at Cobourg, with the Hon. Sidney Smith, and at Port Hope with the present Judge Smith, of Lindsay, as "Smith & Smith."

At the latter place he entered into politics in the Reform interest, and, though unsuccessful at first, was on two occasions elected for East Durham.

In Michaelmas Term he was appointed a Bencher of the Law Society at the same time as Mr. Becher, Mr. Vice-Chancellor Mowat, and the late Mr. Henry Eccles.

He was appointed Registrar of the Court of Chancery, in 1854, and held the office but for a few months. In January, 1868, he was appointed Clerk of the Legislative Council of Ontario, and continued therein till the beginning of the year 1869, when he was seized with the illness which has just terminated with his life.

## HON. JOHN ROSS, Q. C.

Died at his residence, in the township of York, on Tuesday, the 31st January, 1871, the Hon. JOHN ROSS, in the 58rd year of his age.

We shall give some particulars of his life hereafter.

## REVIEWS.

SCIENTIFIC AMERICAN. Munn & Co., New York, U. S.

We publish in another place the prospectus of this very interesting and instructive journal. It occupies a space filled by no other periodical, keeping us *au courant* with all that takes place in the scientific and mechanical world, containing information which can nowhere else be obtained. The plates given in it are admirably executed, and are an evidence of the enterprise of the publishers.

## ALBANY LAW JOURNAL.

With the first number of the third volume comes the Title page and Index to Vol. II.

This is one of the most readable of our exchanges, perhaps the most so, and is admirably conducted by Mr. Isaac Grant Thompson, but why is it that it, like so many other legal periodicals and law books, fails in its Index? There seems to be a general want of care on this most important point on this side of the Atlantic. Few, if any, are what they should be, or might be. The defect in the one before us is, that there scarcely seems to have been any attempt made to index the *subjects* in alphabetical order; the alphabetical arrangement having reference only to the catch heading of each article or item. We are the more sorry for this, as it will deprive the volume of much of its practical value to those who keep it, as we do, for binding, and to be placed in an easily accessible place on our library shelves. The publishers promise additional matters of interest for subscribers for 1871; and possibly if the enterprising conductor of this Journal thinks our hint of any value, he may take advantage of it. Our only desire is to save so much that is valuable and interesting from being practically lost.

By 32-33 Victoria, cap. 29, sec. 38, which took effect on 1st January, 1870, it is enacted that "in all criminal trials, whether for treason, felony or misdemeanor, four jurors may be peremptorily challenged on the part of the Crown; but this shall not be construed to affect the right of the Crown to cause any juror to stand aside until the panel has been gone through, or to challenge any number of jurors for cause."—*Held*:—1. That even before 1st January, 1870, on a trial for a misdemeanor, the Crown might, without showing cause, direct jurors, on their names being called by the clerk of the court, "to stand aside," until the panel has been gone through. 2. Illegal evidence allowed to go to the jury under reserve of objection may be subsequently ruled out by the judge in his charges and the conviction is not invalidated thereby, if it does not appear that the jury were influenced by such illegal evidence. 3. The Court of Queen's Bench in Appeal will adjudicate upon a reserved case of misdemeanor in the absence of the defendant who has fled beyond the jurisdiction of the court.—*The Queen v. Fraser*, 14 L. C. J. 245.