

The Legal News.

VOL. X. JANUARY 15, 1887. No. 3.

We expected to have been able to announce the judicial appointments in our present issue, but up to Thursday afternoon there is no positive intelligence. As the names of the new judges will probably be given to the public before this number reaches our readers, we shall not say more than that the gentlemen to whom the positions have probably been assigned, stand very high in the profession.

A small error of date occurred in our last issue, with reference to Mr. Justice Torrance. It was said that proof sheets had been received from him on Thursday afternoon. It should have read "Friday," the letter, addressed in his own hand, being postmarked "Dec. 31," the last day of the old year, and less than forty-eight hours before his unexpected decease. The correction may appear unimportant, but knowing his own love of exactitude, which led him on one occasion to write us, pointing out a similar slip, we feel bound to rectify the date.

The *Law Journal* (London), has the following on the subject of the conveyance of the mails:—The Cunard Company have wisely undertaken to carry the Queen's mails pending the decision of the Courts, and, whether or not the Government have a good case against the company on the information filed, it seems clear that the company's ships are bound to carry the mails. By the Post-Office Act, 1837, s. 6, it was provided that "every master of a vessel outward bound to Ceylon, the Mauritius, the East Indies, or the Cape of Good Hope who shall refuse to take a post letter-bag delivered or tendered to him by an officer of the Post-Office for conveyance shall forfeit 200*l*." This penalty was extended in 1841 to the masters of outward-bound vessels generally, and is recoverable on the information of any

person by suit in a superior court. Whether the master of the Umbria has incurred this penalty depends on whether the bags were tendered to him, which seems doubtful; but the master for the present snaps his fingers at Acts of Parliament on the broad Atlantic. Meanwhile the Attorney-General's information is filed against his employers, the Cunard Company. No penalty is imposed by the Act on shipowners refusing to carry mails, and although aiding and abetting is provided for by the Act in regard to other Post-Office offences, there is no such provision in regard to refusing ship's letters. If the common law be appealed to, the Attorney-General will have the hard task of showing that ocean-going ships are bound to carry letters in performance of their duty as common carriers. Common carriers are constituted by the custom of the realm, but we have high authority for saying that 'man's control stops with the shore.'

*DISTRICT OF OTTAWA — FORMATION
OF THE PANELS OF GRAND
AND PETIT JURORS.*

In the Districts of Montreal and Quebec, the panels of grand and petit jurors are composed of an equal number of persons speaking the English language and of persons speaking the French language; and the Sheriff, in forming the panels, takes alternately a juror of each class from the jury lists.

In the other districts, the panels are formed by taking the names of the number of jurors required, from the jury lists, uninterruptedly and successively, in the order in which they are entered.

In both cases, the panel of grand jurors is composed of twenty-four jurors. The panel of petit jurors is composed in the first case, of sixty jurors, and in the other case, of forty jurors.

The provisions respecting the formation of the panels in the Districts of Montreal and Quebec may, under the authority of Section 36 of the "Jury Act of the Province of Quebec," (46 Vict. ch. 16,) be extended to any other district, by an order of the Lieutenant-Governor in Council, upon the presentment