

The Legal News.

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By the death of Mr. C. E. Schiller, the Montreal Court House loses another of its venerable officials. Mr. Schiller entered the office of the Clerk of the Crown and Clerk of the Peace in 1834, and had completed 53 years' service. He was a valuable assistant to a long line of judges and crown prosecutors, being a very fair illustration of what Bacon says: "An ancient clerk, skilful in precedents, wary in proceeding, and understanding in the business of the court, is an excellent finger of a court, and doth many times point the way to the judge himself."

The *Harvard Law Review*, published by the Harvard Law Review Publishing Association, makes a distinguished appearance in its first number (April), the paper and type being very superior, and the contents creditable. This publication replaces one that has just died, the *Columbia Jurist*, which was brought to an untimely end by a species of dishonesty too common, viz., the neglect and refusal, of those who had subscribed, to meet their engagements. The *Boston Law Record*, the *Kansas Law Journal*, and some others appear to have recently suffered the same fate.

The Supreme Court of Ohio, has made an order reciting the death of the Hon. W. W. Johnson, late a member of the Court, and the desire of his colleagues that some appropriate tribute be paid to his memory, and that five members of the bar be appointed to prepare a memorial sketch of his life and services, for insertion in the next volume of the reports of the Court. This looks like the commencement of a system of biography with which the reports should not be incumbered.

Mr. Joseph Frémont, advocate, has issued in pamphlet form his *thèse* on *Le Divorce et la Séparation de Corps*, in the law faculty of

Laval University. The subject is carefully treated. The first part refers to divorce among the Romans, in France, England, and Canada. In the second part, the writer proceeds to consider *séparation de corps*, the grounds on which it is decreed, the procedure, effects, &c.

The *Jurist* is the title of a new monthly journal established in London, England, for law students and the profession, under the editorial charge of Mr. R. M. Stephenson, L.L.B. The contents are varied, including notes of cases, articles and miscellaneous topics. A good deal of attention is given to subjects especially interesting to students.

SUPERIOR COURT.

AYLMER (Dist. of Ottawa), April 22, 1887.

Before WÜRTELE, J.

SCHARF V. SCHARF.

Security for costs—Non-resident plaintiff.

Held:—That when a non-resident plaintiff has described himself as domiciled in the Province, and an application for security for costs has not been made within the four days from the return of the action, security will not afterwards be ordered unless it appear that the application is made within four days of the knowledge acquired by the defendant of the plaintiff's absence, or with due diligence.

PER CURIAM.—This suit was instituted in October 1885, over eighteen months ago. The plaintiff is a first cousin of the defendant and described himself as of the Township of Templeton, in the district of Ottawa. Issue was duly joined, and the parties have proceeded to proof; the plaintiff closed his enquête on the 3rd of February last, and the defendant is now proceeding with his.

The defendant now moves for security for costs, inasmuch as it would appear from the affidavits produced with the motion that the plaintiff does not reside in the province of Quebec. The affidavits state that the plaintiff resides, and has been residing from a period anterior to the institution of the action, in the province of Ontario; but nothing is