

being illegal, it necessarily follows that the walking together of such society in procession in the streets of Montreal on the twelfth instant will be unlawful.

2. Applying the principles of the common law, and in view of the express provisions of the second sub-section of Section 6 of the said Act, chap. 10, of the Consolidated Statutes of Lower Canada, we are of opinion that any persons, whether residing in the Province of Quebec or not, joining in the procession although not members of the said Orange Association would be equally liable, as if they were such members. The words of this sub-section are as follows;—"And every person who becomes a member of any such society or association, or acts as a member thereof, and every person who directly or indirectly maintains correspondence or intercourse with any such society or association, or with any division, branch, committee or other officer or member of such society or association, whether within or without this Province, as such, or who by contribution of money or otherwise aids, abets or supports such society, or any member or officer thereof, as such, shall be deemed guilty of an unlawful combination or confederation."

3. Holding as we do for the reasons above stated that the contemplated meeting and procession are unlawful, we are further of opinion that it is not only the right, but the duty of the conservators of the peace to suppress and disperse any such meeting and procession should they be held. The law on this subject cannot perhaps be better stated than in the following remarks of the Court, in the case of the Queen vs. Neale et al., 9 Carrington and Payne, 431:—"It is not only lawful for Magistrates to disperse an unlawful assembly, even when no riot has occurred, but, if they do not do so, and are guilty of criminal negligence in not putting down any unlawful assembly, they are liable to be prosecuted for a breach of their duty."

STRACHAN BETHUNE, Q. C.
EDW. CARTER, Q. C.
THOS. W. RITCHIE, Q. C.
EDMUND BARNARD, Q. C.

MONTREAL, 10th July, 1878.

Acting on this advice, members of the Orange Association were on the 12th July arrested, and the whole question will probably have to be considered by the courts at an early date.

ENGLAND.

PAYING MONEY INTO COURT.—CONTINGENT LIABILITY.—The London *Law Times* says:—"A defendant may deny his liability and pay money into court to provide against the contingency of being fixed with liability notwithstanding his denial. So the Court of Appeals has decided in *Berden v. Greenwood*, and another of the old pleading land-marks is ruthlessly swept away. There must have been some good reason which sustained the old rule to the contrary for so many years."

NOTICES OF NEW PUBLICATIONS.

"SHORT STUDIES OF GREAT LAWYERS," by IRVING BROWNE. Weeds, Parsons & Co., Albany.

This is a republication of sketches originally printed in the *Albany Law Journal*. The author intends them rather as estimates of character than as biographies, but they embrace the most prominent events in the career of the distinguished men whose lives are noticed in the book, and for those who have not fuller and more complete biographies at hand, will serve as reliable and interesting information on the subject. Mr. Browne's style is polished and entertaining, the matter is skilfully selected and handled, and his book will make pleasant reading for the holidays. The worthies noticed in it are Coke, Mansfield, Kenyon, Thurlow, Loughborough, Ellenborough, Erskine, Eldon, Romilly, Abinger and Brougham of the mother country; and Parsons, Marshall, Kent, Pinkney, Wirt, Riker, Story, Webster, Walworth and Choate of the United States. The work, we may add, is beautifully printed and bound.

THE AMERICAN LAW REVIEW, for July, 1878; Boston, Little, Brown & Co.

The latest number of this valuable quarterly, which closes the 12th volume, is, as usual, carefully edited. The subjects discussed in the leading articles, with the exception of that on "Possession," are chiefly of local interest, but the rest of the contents will be generally useful. We are indebted to the *Review* for the latest English and United States decisions.