

The Legal News.

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The Montreal appeal list has taken a sudden bound since last term, 35 new cases having been inscribed. The roll was thus brought up to 98, being 8 in advance of the November term of last year. A noticeable feature of the list is the unusually large number of appeals from the country districts. Of the 98 inscriptions 35 are appeals from the country districts, as follows:—St. Francis, 12; Richelieu, 9; Terrebonne, 4; Iberville, 4; Joliette, 2; Bedford, 2; St. Hyacinthe, 1; Beauharnois, 1.

The fate of recent fugitives from the United States is not encouraging to those who may now be meditating or preparing for a bolt. Pitcher has been consigned to the penitentiary for seven years, and all his plunder taken from him. The judgment of Mr. Rioux in the *De Baun* case (*ante*, p. 323,) has been maintained by Mr. Justice Church, on a petition for *habeas corpus*, and the prisoner remanded to be surrendered in due course. The decision of Mr. Justice Church will appear in the Queen's Bench series of the Montreal Law Reports.

Mr. Clayton, an English solicitor, who is in his ninety-seventh year,—and apparently almost as sturdy as the old Roman wall in which he takes delight,—lately invited the Law Society to visit him in his domain near Newcastle. For miles the great Roman wall traverses his property, and he has caused the earth to be cleared away so that the magnificent monument is said to stand out in almost its original strength and solidity. The various double gates are clearly indicated. The holes in the stones in which the iron pivots worked being well preserved, while the ruts in the sills made by the wheels of the warchariots are distinctly marked. On either side of the gates are the guard-houses, while at regular intervals appear the foundations of the castles and camps which sheltered main bodies of the troops which were sta-

tioned along the line for the defence of the wall.

COURT OF QUEEN'S BENCH, MONTREAL.*

Action en dénonciation de nouvel œuvre—Statutory Privilege to maintain toll-bridge—Infringement.

A statutory privilege was accorded (by 26 Vict., c. 32) to a person, his heirs and assigns, to levy tolls on a toll-bridge erected by him over a river, and by the statute according such privilege, it was enacted (sect. 10) "that after the bridge shall be open for the use of the public, no person shall erect or cause to be erected any bridge or bridges, or maintain or cause to be maintained, any means of communication for the carriage of any person, cattle or carriage whatsoever, for hire, across the said branch of the river Yamaska, at the place above mentioned, anywhere within one mile above and one mile and-a-half below the said bridge, under penalty, etc., provided that nothing in this Act shall be construed to deprive the public of the right of crossing the said river within the limits aforesaid, by fording, or in canoes or otherwise, without payment." A large number of persons built a subscription bridge within the limits of the statutory privilege, avowedly with the object of avoiding the use of the toll-bridge and depriving the owner of the benefit of his privilege.

HELD:—That this was an indirect mode of defeating the statutory privilege, and that the defendants should be condemned to demolish the bridge by them constructed.—*Girard & Bélanger et al., Monk, Taschereau, Ramsay, Sanborn, Loranger, J.J., Sept. 22, 1874.*

Libel in newspaper and libel in pleadings—Incidental demand—Evidence as to truth of libel—Evidence of previous character of plaintiff—Verdict of jury in libel cases—Excessive award—Absence of material witness—Affidavit of juror as to motives of other jurors—Readings of unproved newspaper report to jury.

HELD:—1. That an incidental demand is

* To appear in Montreal Law Reports, 4 Q. B.