

LEGAL NOTES.

DIARY FOR APRIL.

1. Mon.. *Easter Monday.* County Court Term begins. Clerks and Dep. Clerks of Crown and Master and Registrar in Chancery to make quarterly returns of fees.
6. Sat... County Court Term ends.
7. SUN.. *Low Sunday, or 1st after Easter.*
14. SUN.. *2nd Sunday after Easter.*
21. SUN.. *3rd Sunday after Easter.*
23. Tues.. *St. George.*
25. Thur.. *St. Mark.*
28. SUN.. *4th Sunday after Easter.*

T H E

Canada Law Journal.

APRIL, 1872.

An interesting and novel question of constitutional law has been examined by the Irish Court of Queen's Bench, in an action against the Lord Lieutenant and others, for an assault. The alleged occasion was when a mob was dispersed by the Dublin Metropolitan Police at the time of the visit of the Prince of Wales to that city. A summary application was made to stay the suit, founded upon affidavits shewing that the only part His Excellency had in the matter was in his official character as head of the Executive Government of Ireland. The motion was granted, the full Court agreeing that the action, so far as applied to the Lord Lieutenant, was brought for an "act of state," and that no such action could be maintained against him in the country where he exercised such authority.

The Lord Chancellor has held in *Sharp v. Baron de St. Sauveur*, that the last Imperial Act, 33 Vict., c. 14, empowering aliens to hold and dispose of real estate, has not a retrospective operation, so as to validate the title of land devised to an alien before the passing of this Statute. The *Law Journal* in commenting on the decision, points out that if the alien is living, the title might probably be perfected by a grant from the crown, upon petition to the Secretary of State. And it also gives the following hint to conveyancers, that where it is intended, either in the lifetime or after the death of the alien, to sell land with such a flaw in the title, the best course to adopt is to bind the purchaser by the conditions of sale not to raise the particu-

lar objection to the title, and thereby to cast upon him the burden of completing the title by application to the crown. It may be remarked that a condition of this kind was observed upon very unfavorably by the Master of the Rolls in *Else v. Else*, 20 W. R. 236.

A new point in connection with selling the good will of a business, has been decided by the Master of the Rolls to this effect: the vendor of a business as a going concern is at full liberty to set up a new business, and to publish advertisements addressed to the public in general, soliciting custom; but he is not at liberty in any manner to solicit his former customers to continue to deal with him, or not to continue to deal with the purchaser of the business. The case proceeds upon an application of the well-established rule, that he who sells a thing shall not afterwards impair the value of that which he has sold. *Labouchere v. Dawson*, 20 W. R. 309.

Owing to the short-sighted economy of the English Government, in keeping down the judicial force, whereby the Chief Judge in Bankruptcy has also to do duty as Vice-Chancellor, the unseemly spectacle was lately presented in Bankruptcy, of one Registrar sitting in appeal from another Registrar in regard to a matter relating to the duty of a Registrar on a given state of facts. It must be very pleasant for clients to see the assets of an estate gradually disappearing in procedure like this, where costs are incurred, but the cause not a whit advanced; for we do not suppose that the appellate decision of one Registrar will be any more satisfactory than the original decision of his fellow Registrar.

In bare contemplation of the possibility of a new trial in *Tickborne v. Lushington*, the *Law Journal* favours the passing of a law making the ruling of the judge at Nisi Prius absolutely final on all questions of the admission or rejection of evidence, just as it is now in England on stamp questions, with power to the judge to permit an appeal where the verdict in the cause would in substance turn on the evidence in question. The suggestion well merits consideration, when one observes how litigation has been prolonged by the unfortunate rejection or the inadvertent admission of some paltry scrap of evidence that