

The Legal News.

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THE MACKONOCHE CASE.

The London *Law Times* reviews as follows the remarkable litigation arising from the eccentric practices of the Rev. Mr. Mackonochie: "The history of the litigation which culminated last week in the sentence of deprivation against Mr. Mackonochie, deserves to be recorded as an interesting example of the extraordinary speed with which 'swift-footed justice' pursues an ecclesiastical offender. The first suit against Mr. Mackonochie came before the Arches Court of Canterbury by letter of request from the Bishop of London to the then Dean of Arches (Dr. Lushington), in 1867, when Sir Robert Phillimore, on behalf of the defendant, opposed the admission of the articles. The articles were reformed as directed by the Court, and in 1868 the case was heard before Sir R. Phillimore, who had succeeded Dr. Lushington. After a hearing extending over sixteen days, the learned judge, in a judgment which occupies 130 pages in the *Law Reports*, found that Mr. Mackonochie had offended against the ecclesiastical law in two out of four points then charged against him. He admonished the reverend gentleman to abstain from the illegal practices. The promoter appealed against the decision as regarded the two points on which Sir R. Phillimore had absolved the defendant; and in December of the same year the Judicial Committee held that the defendant had offended against the law in those points also, and he was admonished to abstain from them. In 1869 the Judicial Committee were applied to for an order to enforce compliance with the monition, and the Court held that, as to one practice, the monition had been disobeyed, and further admonished the defendant to abstain therefrom for the future. In 1870 a motion was again made to the Privy Council to enforce obedience to the monition. The Court found that the defendant had disobeyed the monition, and suspended him *ab officio et beneficio* for three months. Here ended the first suit. In 1874 a second suit was instituted against Mr. Mackonochie for a variety of offences. The charges

were held to be established, and the defendant was suspended *ab officio* for six weeks, and was admonished to desist from the like practices for the future. In March, 1878, Lord Penzance, then Dean of Arches, declared that Mr. Mackonochie had disobeyed this monition, and granted a further monition against him, and in the following June Mr. Mackonochie was suspended *ab officio et beneficio* for three years for continued disobedience. Mr. Mackonochie then obtained from the Queen's Bench Division a writ of prohibition to restrain Lord Penzance from enforcing the sentence of suspension, but this decision was subsequently reversed by a majority of the Court of Appeal. In the meantime, a new suit was instituted, praying for a sentence of deprivation against Mr. Mackonochie. Lord Penzance refused to grant a deprivation, on the ground that, while the previous sentence was still subsisting, it would not be consistent with the maintenance of the authority of the Court to pass a fresh sentence. The Judicial Committee reversed this decision, and remitted the case to the Court below to decree such censure or punishment as it might think fit, and on Saturday last Lord Penzance pronounced sentence of deprivation. It would probably be unsafe to say that the end of this vista of litigation has yet been reached.'

REGISTRAR'S FEES IN NEW YORK.

Our enterprising neighbours usually stimulate us by their example, but in some respects they are slow in the task of uprooting evil growths. The New York *Herald* has been attacking the system of searches of real estate titles in the city of New York. We avail ourselves of the following summary in our contemporary the *Albany Law Journal*:—"The New York *Herald* of the 3rd inst. contained a very interesting article on searches of real estate titles in the city of New York. There can be no doubt that these searches are of appalling expense. There are in the register's office 3,500 volumes of records, and they are increasing at the rate of 300 a year. Last year there were nearly 10,000 deeds and more than 10,000 mortgages recorded. The necessary and reasonable expense of a proper search must be very large, and there is perhaps no help for it; but it would seem that the official fees are rather too