Judgment or Decree. But in any suit brought in either section of this Province, on a Judgment or Decree obtained in the other section of it, in a suit in which the service of process on the defendant, or party sued, has been personal, no defence that might have been set up to the original suit can be pleaded to that brought on the Judgment or Decree; but on such suit, in which personal service was not obtained and in which no defence was made, any defence that might have been set up to the original suit, may be made to the suit on such Judment or Decree.

An Act was also passed, in relation to Insurance Companies not incorporated within the limits of this Province. For the future, Foreign Insurance Companies cannot carry on business in this Province, without license from the Finance Minister of the Province, after investing $50,000 in government debentures or municipal loan funds, or in the stocks of one or more of the chartered banks of the Province. An Act was also passed to diminish the number of licenses to be issued for the sale of intoxicating liquors, by retail, with a view of circumscribing, if possible, the intolerable nuisance of drunkenness. I am afraid the provisions of this law will effect but little good under present circumstances. If the Legislature really wish to enact laws to retard the march of intemperance it must do something more than to pass such a milk-and-water enactment as this Act contains.—However, it is something gained, and let us hope that it my prove a stepping-stone for better things—a precursor of a wiser, a more enlightened and more extensive measure, bearing upon the sale and traffic of intoxicating liquors generally.

THE CASE OF THE REV. MR. HATCH.

The following letter was addressed to the Editor of the *Times*.

"Sir,—The indictment of Eugenia Plummer for perjury, which has just terminated in her conviction, has been rightly characterised by Mr. Baron Channell as one of the most extraordinary cases ever heard in an English court of justice. With the general merits of this trial I do not propose to deal; but as the case, when duly considered, affords a striking illustration of a serious defect in our criminal jurisprudence, I am anxious, in the language of the Clapham school of divines, to "improve the occasion."

"The defect to which I allude is the rule of law which prohibits every person, and the wife of every person, who stands as a defendant at a criminal bar from giving evidence on oath. Let us see how that rule has operated in the case in question. In December last the Rev. Henry Hatch was indicted at the Old Bailey for the very serious offence of indecently assaulting Miss Plummer, a little girl twelve years of age, who was one of his pupils. Such deeds are κατ' ἐξοχήν, deeds of darkness; and the very nature of the charge almost precluded the possibility of any disinterested eye-witness being present to confirm or contradict the statement made by the prosecutrix. One would imagine that in such a case, if in no other, the proper course to pursue would be to hear all that could be said, first by the accuser, and next by the accused, and then to decide from the conflict of testimony on which side the truth lay. This seems to be the natural mode of procedure which common sense would suggest, and which justice would sanction. But, the law of England takes a different view of the subject; and while pretending to reverence the maxim, *audi alteram partem* it doggedly compels the jury to hear only one side. It opens the mouth of the prosecutor, but it closes the mouth of the defendant. Nay, it does more, for it closes also the mouth of the defendant's wife. However material the facts may be to which the defendant or his wife can depose, they will not be permitted under any circumstances to divulge what they know. In the case of Mr. Hatch this rule operated with twofold injustice. Eugenia Plummer, in describing the assaults which she alleged had been committed upon her, laid the scene of one of them—contrary to all that might have been expected—in the very room occupied by Mrs. Hatch. Here was an opportunity for testing the truth of her story. Let the jury hear what the husband and wife have to say on this part of the case. Examine them separately, cross examine them astutely, and compare their statements with each other, and with the child's. O dear no—that will never do! They may state what is not true—they may mislead the weak jury. They must not be examined at all. The two best witnesses, next to the prosecutrix herself, are inadmissible to testify. The result was what might have been anticipated in such a state of the law. The uncontradicted testimony of Miss Plummer was believed, and the rev. defendant was a ruined man. One only course was open to him, as affording a possible chance of re-establishing his innocence. He resolves to indict his accuser for perjury. Here the tables are turned. He and his wife can state what they know, and the girl's evidence cannot be heard. The trial comes on, and the verdict of the second jury is diametrically opposed to that pronounced by the first. No man can blame either of the juries, but every man must feel that both of them have been placed in an unfair position. Each has been forced by law to decide on what was practically an *ex parte* statement. There have been two trials, and at neither has an opportunity been afforded for hearing "the whole truth." I do not mean to suggest for one moment that the last verdict may have been erroneous. I believe that verdict to have been a righteous judgment, but still I cannot disguise the fact that it would have been more satisfactory both to the public and to the jurors themselves had the law permitted, as I venture to contend that it ought to have permitted, the examination and cross-examination of Eugenia Plummer. It was a grave defect in the law which made the second trial necessary; the same defect in the law has made the second trial inconclusive.

"I remain, yours faithfully,

"Athenæum, May 15." J. Pitt Taylor."

JURIDICAL SOCIETY.

(*From the Solicitor's Journal.*)

A paper, by Walker Marshall, Esq., Barrister-at-Law, on "The Common Law Courts and Equitable Jurisdiction," was read at the meeting of this Society, on Monday, the 7th May. It was as follows:

The society will doubtless remember that some eighteen months ago a discussion took place here, upon what is popularly called the fusion of law and equity. Previously to that the Attorney-General, in the inaugural address delivered by him, as first president of this society, upon the 12th of March, 1855, had struck the key-note of reform, and in indicating the history of the division of the two jurisdictions suggested the means of their union. The subject on which I shall have the honour of reading this evening is not, therefore, invested, in this room, with the attraction of novelty. But, considering that since the occasions to which I have referred the Common Law Commissioners have presented their third report, in which they recommend, that the common law courts should be invested with all equitable powers necessary to enable them to deal completely and finally with every suit properly initiated in these tribunals, so as to supersede in every case the necessity of the intervention of a court of equity, either before or after judgment; seeing, further, that a Bill carrying out these recommendations to their full extent has been presented to the Legislature, and has undergone an interesting discussion in the House of Lords, where it has been read a second time, and been referred to a select committee; it can scarcely, I think, be considered superflous or ill-timed, if this question is