

## The Legal News.

VOL. VIII. DECEMBER 26, 1885. No. 52.

The decision of the Judicial Committee of the Privy Council on the validity of the Liquor License Act, 1883, which was submitted to it (*ante p.* 379), maintains the right of the Provincial Legislatures to deal with the subject of licenses for the sale of liquors. The precise terms of the report of their lordships have not yet been made known.

The newly elected House of Commons, with its strange complexion, is not devoid of persons learned in the law; the members of the legal profession, in fact, are in greater force than ever. Among the successful candidates are 137 barristers and 18 solicitors. Of the barristers 29 are Queen's Counsel. The intelligent elector has even descended to the student ranks, and sent two gentlemen to the Legislature, who have not yet completed their studies, but who, like their fully fledged brethren, have already made profession of a political faith, one being elected as a liberal, and the other as a conservative.

The celebrated cabman's case, *Reg. v. Ashwell*, noticed (without the title being stated) on pages 105, 122 and 177 of this volume, has just come to a most unsatisfactory conclusion in the Court for the Consideration of Crown Cases Reserved. The case was argued before fourteen judges, and they stand seven to seven! So the result is that the motion to quash the conviction is negatived. In other words, the opinion of Mr. Justice Denman, upon whose direction the jury convicted the prisoner, is untouched. Our London contemporary, the *Law Journal*, refers to this case as a proof of the uselessness of the Court, and says its continued existence "is a part of the blunder committed in 1873, when it was supposed that criminal cases were not proper to be taken to the highest Courts of Appeal. They are the very cases (adds the *Law Journal*) which ought to be so taken, because they are the most important of all cases, and because, from

judges sitting alone to try them without a regular appeal, a divergence of opinion is apt to spring up on questions of law upon which uniformity is absolutely essential."

Sir Henry Charles Lopes, who recently tried the case of *Reg. v. Jarrett*, has been appointed a Lord Justice of Appeal in the place of Sir Richard Baggallay resigned. The new Lord Justice, who is the third son of the late Sir Ralph Lopes, was born October 3, 1827. He was educated at Winchester and Balliol College, Oxford, where he graduated B.A. in 1853. The learned judge was called to the bar at the Inner Temple in 1852, went the Western Circuit, and was made a Queen's Counsel in 1869. He held the appointment of Recorder of Exeter from May, 1867, until November, 1876, and he represented Launceston in the Conservative interest from April, 1868, to February, 1874, when he was returned for Frome, which place he continued to represent until November, 1876, when he was appointed a Judge of the Common Pleas Division.

### THE MONTREAL LAW REPORTS FOR DECEMBER.

The Montreal Law Reports for the present month include pp. 480 to 512 of the Queen's Bench Series, and also pp. 480 to 512 of the Superior Court Series. These issues bring the 1885 volume of each series to a close.

In the Superior Court series, the case of *Brunet v. L'Association Pharmaceutique* presented a very interesting question whether a partnership which was illegal under the existing law could entitle the party to rights under a special statute. The judges stand two to two in the lower courts, and it is said the case is to be taken to appeal. In *Cyr v. Bryson* it was held that where the plaintiff has left the jurisdiction while the suit is pending, security for costs may be asked by motion at any time, even after the expiration of four days from the time when the defendant was informed of the departure. In *Legris v. Cornellier*, the necessity of an affidavit in a penal action under the Dominion Election Act was affirmed. In *Lemieux & La Cour des Commissaires, etc.*, the Court held that the erection of a part of a parish