

The Legal News.

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WOMEN IN THE COURTS.

The Judiciary Committee of the U. S. Senate hold the view that women are admissible to practice as barristers in the United States Courts. A Bill went before the Committee recently, providing that women who have been members of the bar for three years in any State or territory, shall be admitted to practice in the Supreme Court of the United States, and that no person shall be excluded from practising as attorney or counsellor before any Court of the United States, on account of sex. Holding the view that there is now no law excluding females from the bar in the courts mentioned, the Senate saw no necessity for the passage of the Bill, and accordingly reported adversely to it.

The friends of the measure regard this action of the Senate as an evasion of the issue, because, in point of fact, the Courts do not admit women to practice, and the U. S. Supreme Court has refused to entertain any application for admission in behalf of a woman. She is in the same position, therefore, as if expressly excluded by the law. It is generally conceded that if all restrictions were removed, not a dozen women in the Union would avail themselves of the liberty granted. The easiest solution of the difficulty would probably be to grant the privilege requested, and the anxiety to appear in the Courts would then fade away.

A QUESTION OF DAMAGES.

In the State of Nebraska a singular enactment is to be found on the Statute book, by which the owner of live stock is allowed "double the value of his property injured, killed or destroyed" on a railroad track, in case the value be not paid within thirty days after demand on the company therefor. A case came before the Supreme Court of the State lately, in which a demand was made upon a railroad company under the above Statute, but the Court held that the enactment was repugnant to the Constitution. The excess beyond

the value of the property, the Court held, could not be regarded in any other light than a penalty, not resting in contract, but a penalty or fine for the purpose of punishment. The penalty or fine in the present case was given by the Statute to the party claiming damages for the accidental loss of his property. But there is a provision of the Constitution which declares that "all fines and penalties shall be appropriated exclusively to the use and support of common schools."

For this, among other reasons, the Court pronounced the law unconstitutional. It would, indeed, be hard to find any reasonable ground for so extraordinary a piece of legislation. One would be disposed to conjecture that it was framed by a legislature largely bucolic, and that the authors of the provision had in view a profitable means of disposing of old or useless cattle. The slaughter which railroads would make under such circumstances would in all probability be prodigious, and a twelve foot fence on either side of the track would be insufficient to prevent it. A Brooklyn clergyman, a Sunday or two ago, denounced from the pulpit the administration of justice as tending to weigh heavily upon the poor, while the rich criminal generally managed to escape unpunished. The Nebraska enactment referred to seems to err in the opposite direction, for it fleeces companies for the benefit of cattle owners;—unless, indeed, the former be considered the poorer of the two, as holders of unprofitable shares and bonds too often find themselves at the present day.

THE LATE JUDGE DORION.

By the death of Mr. Justice V. P. W. Dorion, which occurred somewhat suddenly on Sunday last, the Bench of the Province of Quebec has lost an able and efficient member. The deceased, who was a brother of Sir A. A. Dorion, the present Chief Justice of the Court of Queen's Bench, was born at Ste. Anne de la Perade on the 2nd October, 1827, and was consequently only in his fifty-first year. He came to Montreal about the age of fifteen, was admitted to the practice of the legal profession in due course, and, in partnership with his distinguished brother, the present Chief Justice, enjoyed for many years a very extensive and