The Canada Law Journal.

VOL. XXVIII. MARCH 1, 1892. No. 4.

THE law relating to contracts entered into for the purpose of stifling a prosecution has been recently discussed in two cases, and the grounds on which a person is entitled to be relieved from a contract entered into with that object have been clearly laid down by the Court of Appeal. The cases we refer to are *Jones* v. *Merionethshire P.B. Soc'y* (1891), 65 L.T.N.S. 685, and *McClatchie* v. *Haslam*, 65 L.T.N.S. 691. In the former case the action succeeded; in the latter it failed. The rule of courts of equity in relation to such contracts is thus stated by Lindley, L.J., in the former case: "As plaintiff is not entitled to relief in a court of equity on the ground of the illegality of his own conduct, he cannot make his own illegality a ground for relief at all. In order to obtain relief in equity he must prove not only that the transaction is illegal, but something more. He must prove either pressure or undue influence. If all he proves is an illegal agreement, he is not entitled to relief." This puts the case in a nutshell. In *Jones'* case this evidence of pressure was forthcoming: in the *McClatchie* case it was not. The well-known maxim of courts of equity, "*In pari delicto potior est conditio possidentis*," will be an answer to any action brought to set aside any such transaction for illegality unless the additional elements of pressure and undue influence can be proved to exist.

LAW REFORM IN ENGLAND

A correspondent, in sending us an extract from a London (Eng.) paper, and from which we quote below, says: "I hope you will consider how far it is applicable to the law, judges, and practice in Ontario, or any other Province where English law and equity in the technical sense prevail. Manitoba is considering how far the judicature acts have attained their object. You have in your issue for February 1st shown that (as in the case of *Thorne* v. *Williams*, 13 O.R. 577) the present system renders titles insecure, and all must agree with you that if the Torrens system is the best it should be adopted. In a letter to your journal of April 16, 1890, I questioned the justice of making a suitor who has obtained a judgment pay heavily *for having obtained it*, if the court which pronounced it is declared by another court to have erred in so doing, and also the policy of granting appeal upon appeal in any case, and I asked to be shown any fallacy in the argument I used in support of my position, which the article referred to seems to strengthen."

Much of public as well as legal interest attached to the meeting of the judges of the Supreme Court of Judicature, recently, at the Royal Courts of Justice in