

DISTURBING RELIGIOUS WORSHIP—JUDICIAL FORESIGHT.

except that it has become venerable by age. It has been commented on over and over again, and nothing but the aversion of the Profession from all changes in what they have become accustomed to could have kept such a rule in force. The rule amounts to this, that the party really injured has suffered no injury sufficient for the law to notice, but that her father, or master, who has lost her services, can bring an action for such secondary and inferior loss. This loss of service may be of the most trifling description. In one case, indeed, tried by Chief Justice Abbott, his Lordship held that the loss by a father of his daughter's services in making tea was a sufficient loss to enable him to maintain this action. But when the loss of service has once been established, then damages are heaped up on other grounds, and this practice had become so inveterate in Lord Ellenborough's time, that he said it could not be shaken. So that the damages given frequently include an appraisalment by the jury of the moral delinquency of the defendant, and the injury and dishonour sustained by the real plaintiff and her family. Is it not time that a rule of law, which places a father's inconvenience in having to make his own tea above the loss of his daughter's virtue, and the dishonour they both suffer, should be abrogated, and the seduction itself be made the ground of action, if any such actions are to be allowed? There are some who think, however, that such actions should not be maintainable, the consent of the woman taking away the right of action. Whichever opinion prevails, it is very desirable that the law should be placed on a reasonable footing, and that juries should not import into their verdicts damages for injuries quite distinct from the ostensible one on which the verdict is founded.—*Law Times*.

DISTURBING RELIGIOUS WORSHIP—A CURIOUS CASE.

It is not often that a case arises combining the comical with the serious in as peculiar a manner as the case of *The State v. Linkhaw*, 69 North Carolina Reports, 214. The defendant, a member of the Methodist Church, was indicted for disturbing the congregation. It was in proof that he sang, during religious

worship, in such a manner as to disturb the congregation, and greatly interrupt the services. One of the witnesses imitated his singing in a manner which "produced a burst of prolonged and irresistible laughter, convulsing alike the spectators, the bar, the jury and the court." It was in evidence that the disturbance occasioned by his singing was decided and serious. "The effect of it was to make one part of the congregation laugh, and the other mad; the irreligious and frivolous enjoyed it as fun, while the serious and devout were indignant." The defendant, being on many occasions expostulated with by the church-members and authorities, replied, "that he would worship God, and that as a part of his worship it was his duty to sing."

It was not contended by the State that the defendant had any purpose or intention to disturb the congregation; but on the contrary, it was admitted that he was conscientiously taking part in the religious services. Nevertheless, the trial court instructed the jury that he must be presumed to have intended the necessary consequences of his bad singing; and they accordingly returned a verdict of guilty. But the supreme court (Settle, J.) said that this admission of the State put an end to the prosecution; that, although a man is generally presumed to intend the consequences of his acts, yet the presumption is here rebutted by a fact admitted by the State. "It would seem," said the court, "that the defendant is a proper subject for the discipline of the church, but not for the discipline of the courts."—*Central Law Journal*.

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Judges, in their anxiety not to be misunderstood, occasionally add to their judgments a caution that they must not be taken to decide more than is actually involved in the case, and that if certain ingredients had been in the case they probably have arrived at a different conclusion. Last year, a case which excited much attention at the time was decided in the Court of Queen's Bench, and Mr. Justice Archibald, in giving his opinion, qualified it in a manner almost proving prescience of a case which followed some seven months afterwards. In the first case, *Harris v. Nickerson*, 42 Law