

The Legal News.

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In the June Term of the Court of Queen's Bench, Crown side, at Montreal, a true bill was found on an indictment laid before the Grand Jury by a private prosecutor without the concurrence of the officers of the Crown, who subsequently entered a *nolle prosequi*. In the December Term of the Queen's Bench, held by Mr. Justice Wurtele, at Aylmer, a like thing occurred. A bill of indictment was laid before the Grand Jury by a private prosecutor; but in this instance the foreman of the jury handed it to the Attorney-General's substitute, and the affair terminated there. In order that such a thing might not occur again, Mr. Justice Wurtele thought proper to refer to the subject in his charge to the Grand Jury, delivered at the opening of the present term, June 11, which was before the Bond case transpired in Montreal. His Honour said:—

"Your principal duty as the body composing such grand inquest is to take cognizance of all accusations which may be laid before you in the shape of bills of indictment by the officers prosecuting on behalf of the Crown, and satisfy yourselves from the evidence to be adduced before you that sufficient cause appears for calling upon the accused parties to answer the charges made against them, and also to present accusations yourselves to the Court against culprits for offences existing within your own knowledge or within the knowledge of some of you. Accusations may also be brought by a private prosecutor, but the bills of indictment in such cases can only be laid before you on an order of the Court.

"You can therefore legitimately act in this respect in two ways: first, on accusations which are given to you in charge in the shape of bills of indictment preferred by the public prosecutor, or submitted by a private prosecutor under the express authorization of the Court; and secondly, on crimes, misdemeanors or public evils requiring judicial notice, respecting which no bills of indictment are

presented to you but which may come to your knowledge in the course of investigation had before you, or from your own observation, or from the disclosures of some of yourselves. When a grand jury finds a case which has been committed to it, it acts on the bill of indictment preferred to it; but when it acts on its own knowledge, it reports the facts to the Court by a document which emanates from itself and is called a presentment, and on which the public prosecutor afterwards draws an indictment."

The London *Times*, of May 15, contains a report of a standing committee on law, in which it is said: "The Attorney-General moved a new clause, providing that in actions under £20, a man shall recover no costs; between £20 and £50 he shall recover County Court costs; under £10 in tort, no costs; between £10 and £20 he shall recover County Court costs; and that in all these cases the judge shall have power, as at present, to certify to bring the cases into a superior Court.—Agreed to." This change has been objected to, on the ground that it will deprive litigants of the benefit of counsel.

CIRCUIT COURT.

HUNTINGDON, Dist. Beauharnois, Sept. 8, 1887.

Before BÉLANGER, J.

HARRIGAN v. HARRIGAN, and HARRIGAN, T.S.,
and MOODY et al., Intervenants.

Conditional Sale—Right of vendor to recover goods in default of payment.

- HELD:—1. That a sale made on condition that the property in the article sold shall remain in the seller until payment, is valid as a conditional sale.
2. That the seller can recover back the goods in default of payment although they are under seizure at the suit of a third party.

The intervenants sold defendant a threshing machine, taking his promissory notes in payment. By a written agreement entered into at the time of the sale the machine was to remain the property of the intervenants until paid for. The plaintiff obtained judgment against defendant, and afterwards served a *saisie-arrest* on the *tiers saisi*, who