

## The Legal News.

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A somewhat whimsical punishment, according to the *Pall Mall Gazette*, was recently awarded by an English magistrate (since deceased) to two small boys who had been arrested for stealing unripe pears from an orchard. The offenders were brought before Mr. Partridge, and the magistrate sentenced them to finish the consumption of the unripe fruit in question, adding the expression of a hope that "it would make their stomachs ache." How the sentence could have been enforced, if the boys declined to eat the fruit, does not appear. Perhaps they would compromise by eating it as they felt disposed. A provision is contained in the summary jurisdiction Act, 1879, which relieves a magistrate from the obligation of passing sentence in such cases. The section in question enacts that "if, upon the hearing of a charge for an offence punishable on summary conviction, the Court think that, though the charge is proved, the offence was in the particular case of so trifling a nature that it is inexpedient to inflict any punishment or any other than a nominal punishment, the Court, without proceeding to conviction, may dismiss the information."

*A propos* of judicial salaries, the Lord Chancellor of England is said to be the best paid functionary in the United Kingdom. As Lord Chancellor, he receives £10,000 per annum. As Speaker of the House of Lords £4,000, and as President of the Supreme Court £6,000, making a total of £20,000 per annum.

There were 729 sentences of penal servitude passed by ordinary Courts in England and Wales during 1890. It is a remarkable fact that although the population has been increasing there has been a great and steady decrease in the number of sentences for serious crimes. Thirty years ago, when the population was about twenty millions, the average number of persons sentenced to penal servitude was 2,500 or upwards. Now the

population of England and Wales is about thirty millions, and the number of sentences has fallen as low as 729. The labour of the convicts has been used in the construction of prison buildings, in the manufacture of clothing, etc., required for officers and prisoners, and a multiplicity of articles for the Admiralty, War Department, Post Office and other public departments.

### SUPERIOR COURT—MONTREAL.\*

*Procedure—Union of causes—Transmission of record to another District.*

*Held*:—That the Superior Court sitting in one district has no authority to order that the record of a cause pending in such district be transmitted to another district, to be joined to the record of a cause therein pending.—*Compagnie du Chemin de Fer de la Baie des Chaleurs v. Macfarlane*, Würtele, J., April 6, 1891.

*Interdicted person—Joint curators—Powers of curator—Purchase of diamonds.*

*Held*:—1. Where two persons have been appointed joint curators to a person interdicted for insanity, one of them cannot make the estate of the interdict liable for the price of goods bought by such curator without the knowledge or consent of his co-curator.

2. Where the income of the estate of an interdicted person is barely sufficient for the board and maintenance of himself and his wife, the latter cannot make the estate liable for the price of diamonds purchased by her, the value of the diamonds being greatly beyond the means of the interdict.—*Hensley v. Morgan et al.*, Würtele, J., May 14, 1891.

*Contrat—Tiers—Lien de droit—Garantie—Contre-lettre.*

*Jugé*:—Que sous l'effet de l'article 1023 du Code Civil, un acheteur d'un immeuble ne peut poursuivre en dommage un second acheteur du même immeuble, parce que celui-ci aurait en achetant donné une contre-lettre au vendeur s'engageant à respecter la première vente et garantissant le vendeur contre le recours de son premier acheteur; aucun lien de droit n'existant entre les deux

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