des parties qui figurent dans un acte pour le recouvrement de ses déboursés et honoraires, le jugement ci-dessus décide en principe que le notaire doit s'établir juge de l'opportunité de l'intervention ou de la présence de l'une des parties, et qu'au cas où la nécessité de cette intervention n'apparaît point clairement, le notaire est dépourvu de toute action contre cette partie.

Dans l'espèce, le Tribunal ajoute que le notaire a à s'imputer de ne pas avoir prévenu la femme de l'inutilité de son intervention à l'acte et de l'obligation qu'elle contractait solidairement avec les autres parties de payer les frais de l'acte; ce dernier motif nous paraît manquer en fait rien n'indiquant dans le jugement que le notaire a négligé d'éclairer la femme soit sur l'inopportunité de son intervention, soit sur les conséquences de cette intervention.

Reste la question de savoir s'il était loisible au notaire de refuser son ministère soit à la femme, soit aux autres parties qui exigeaient la présence de la femme sous le prétexte qu'il jugeait, lui, cette présence inutile. Ce serait, ce nous semble, pousser bien loin les conséquences du principe admis en doctrine et en jurisprudence, qu'il incombe au notaire d'éclairer les parties ignorantes et illettrées qui viennent requérir acte de leurs conventions. Les conventions insérées dans l'acte retenu par Me Gauzit entre la femme Cayron et les autres parties ne paraissent présenter aucun des caractères de dol, de fraude ou d'immoralité qui, en certaines circonstances, peuvent autoriser le notaire à refuser son ministère.

Sur le principe de l'action solidaire du notaire contre chacune des parties qui ont figuré dans l'acte, solidarité basée sur l'art. 2002, C. civ., V. notamment: Cass. civ. 9 avril 1850 (D.50.1.124;—Journ. des not., art. 14047); Toulouse, 23 avril, 1847 (Jour. des not., art. 13183); Riom 18 décembre 1838 (*ibid.*, art. 10387); Paris 28 aout 1836 (*ibid.*, art. 9467; Cass. 10 novembre 1828 (*ibid.*, art. 6744).—*Gaz. Pal.*

THE IRISH PROSECUTIONS.

Lord Bramwell, who is noted for his outspoken utterances on the questions of the day, castigates Mr. Mundy pretty severely. Some points of interest are involved. His lordship says:—

Mr. Mundy tells you that he is an American lawyer, and that he writes as a lawyer. I should not say so.

He says, 'I am an American lawyer who has'—he means 'have'—'been travelling through Ireland to see what there was of the Irish question.' To see what there was of it? He says *he* suggested the defect in the *law* pointed out to the magistrate in the Lord Mayor's case. Now, there was no defect in the law. If there was any defect, it was in the proof, as M. Mundy proceeds to show. He says, 'As I said, *non constat* it was a Sunday-school meeting.' He means *non constat* it was *not* a Sunday-school meeting. He says the way to prove to the contrary would be by somebody who was present. He proceeds, 'There is a point, however, in the case at bar (the Lord Mayor's case) upon which I am afraid in the case proposed the judge will reverse the judgment.' Mr. Mundy is very fond of the word 'case.' He reminds me of the learned counsel who said, 'If ever a case was a hard case, this case is that case.' Mr. Mundy's case is that the judgment may be reversed, as the defendant said it was a meeting of the League. This, 'together with all other proven facts and circumstances, it may be held, makes out a *primâ facie* case for the Crown. The magistrate was right in his law, but the question is, Will not the higher Court hold that the proof was there, and that it lay with the defence to overcome it?' I offer no opinion on a matter *sub judice*. But Mr. Mundy does not say that the higher Court would be wrong—does not say that the suggestion he made was not an idle one—does not say that both law and evidence were sufficient. He says he thinks it poor policy to prosecute the proprietors of newspapers for publishing such things. But he very correctly adds, 'That is neither here nor there.'

He proceeds to deal with O'Brien's case, and asks how the conviction can stand. 'A man is charged with two offences; that is enough to defeat them both.' My answer is that this is downright nonsense. 'Besides, the Court would not compel the Crown to elect which offence it would try.' So is that. Mr. Mundy proceeds, 'When there are two counts