

An upright judge and an honest lawyer should always experience a lack of *confidence* when they come to an erroneous conclusion. I sincerely hope that the question at issue may come before the highest tribunal in the land and that at some early date we may have a decision upon the point, which will govern us in Canada, and set the matter at rest. If and when that decision comes, I believe, and feel with all the *confidence* which the Chief Justice of Nova Scotia did not feel, that it will confirm the opinion which I have arrived at and endeavoured to establish, namely, that "found money" is not capital belonging to the remainderman; but is income and belongs to the tenant for life.

Ottawa.

H. H. BLIGH.

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#### THE OPEN COURT.

An important decision has just been given in England by the House of Lords on the subject of trials in *camerâ*. Their Lordships held in the case of *Scott v. Scott*, that "Courts of justice have no power to hear cases in *camerâ*, even by consent, except in special cases in which a hearing in open court might defeat the ends of justice; and in any case an order for a hearing in *camerâ* extends only to the hearing, and it is not a contempt of court to publish the facts subsequently, if it is done *bonâ fide* and without malice; and such publication is not a criminal cause or matter in which no appeal lies under sec. 47 of the Judicature Act, 1873. The rule as to hearing in open court does not apply to the jurisdiction of the Court of Chancery over wards and lunatics, nor to cases affecting property not status in which the parties agree to go before a judge in *camerâ* as arbitrator."

In commenting upon this judgment the *Law Times* uses the following language: "On the first, and perhaps the most important point, once and for all the House of Lords has demolished the idea that any judge has a right to conduct proceedings in private, save where justice could not be done at all if it had to be done in public—as in the case of a secret process—or