The Legal News.

Vol. VIII. NOVEMBER 28, 1885. No. 48.

The hearing of cases during the November Appeal Term at Montreal proceeded somewhat slowly, and the list, which comprised 104 cases, was only diminished by 21 during ten days. Judgment was rendered in 23 cases, and the Court stands adjourned to December 30.

There is much consideration for political lawyers in England, for we see that many applications having been made to the Lord Chancellor for postponement of the hearing of House of Lords appeals, on the ground that many of the leading counsel retained to appear in them were absent on electioneering campaigns, his lordship decided that the hearing of these appeals should be adjourned until after the general election.

Lawyers have come to the front in the election campaign in unusual number. In all 193 offer themselves to the electors as candidates for seats in Parliament. Of these 180 are barristers and 13 are solicitors. Ninety-nine are of Liberal politics and ninety-three of Conservative politics, the rest professing neither faith. Eighteen lawyers announce their candidature in Middlesex, and twelve in Surrey, making thirty candidates for metropolitan constituencies. The number of lawyers in the field is about half as many again as in 1880.

Newspapers would do well to be careful in admitting to their columns the angry and one-sided effusions of disappointed suitors and counsel. A Quebec paper, for example, prints a letter purporting to come from Mr. Rattray, in which unwarrantable statements are made with reference to one of the Judges of the Court of Queen's Bench. The judgment will be found on page 10 of the present volume, and speaks for itself. It will be observed that it is the judgment of the majority of the Court, including the Chief Justice. The Supreme Court may or may not be right in reforming that judgment; but assuming that the last decision is right, it does not seem to give Mr. Rattray much to boast of. After a silence of years, and after his employment had ceased, he made up a large account for services, of which the final judgment allows him about one-fourth.

*SUPERIOR COURT—MONTREAL.**

Insurance (Fire)—Risk—Material concealment—Nullity.

Held:—That the concealment by the insured of the fact that the risk had been refused by another company, in consequence of two fires having occurred previously on the same premises under suspicious circumstances, is a material concealment, and renders the contract void.—*Minogue* v. *Quebec Fire Assurance Co.*, In Review, Johnson, Bourgeois, Gill, JJ., Oct. 31, 1885.

Sale—Refusal by purchaser to accept thing sold—Resale at purchaser's risk—C. C. 1554.

Held:—Where a person who purchased a bankrupt stock from the assignee, and made a payment on account of the price, subsequently refused to accept the goods, or to pay the balance of the price, on a pretence which he failed to prove; that the sale was dissolved, and that the vendor was entitled to resell the goods, after legal and customary notice, at the risk of the purchaser.—*Desmarais* v. *Picken*, In Review, Johnson, Plamondon, Bourgeois, JJ., Oct. 31, 1885.

Verdict—Libel—Damages—New trial—Procedure.

Held:—1. That the Court has no power to increase the award of damages by the jury.

2. In cases tried with a jury, it is the verdict of the jury, and not the opinion of the Court, which is to determine the amount of damages in actions for personal wrongs. This rule is peculiarly applicable in libel and slander suits. Insufficiency of damages is not, therefore, a proper ground for ordering a new trial in such cases, where it does not appear that the jury were improperly influenced or led into error.

3. Where the jury have given the plaintiff some damages (however insignificant), the defendant cannot move that judgment be

* To appear in full in Montreal Law Reports, 1 S. C.