

sing the Lolesworth Club, the Lord Chief Justice observed:—"It was said that eloquence had left the Bar, only lingered in Parliament, and was almost leaving the pulpit. But he had listened at the bar to Sir Alexander Cockburn, to Bethell, to Lord Cairns, and to the greatest of all the advocates who in his time had adorned the profession, and was supreme in the art of forensic speaking, Sir William Earle, and he had no doubt that all these great men would agree with him in dissenting from that proposition so far as the bar was concerned." But the *Law Times* somewhat maliciously remarks:—"Those were days when judges appreciated eloquent diction. Judges of to-day do not. The dry facts of cases wrapped up in the most modern decisions (or, better still, without the decisions) prove most acceptable to the courts of law of to-day. And if Lord Coleridge had had to furnish living instances, to catalogue with Earle and Cockburn, his task would have been a difficult one, but soon concluded."

COURT OF QUEEN'S BENCH—MONTREAL.*

Charitable association—C. S. C. ch. 71—Division among members—Disposal of assets.

The majority of the members of a Friendly Association constituted under C. S. C. ch. 71, being expelled from the association, met in another place, and organized themselves for objects similar to those of the original association, but taking a different name. The trustees of monies belonging to the old association were among this number. In an action, brought in the name of the old association, calling on the trustees to account:

Held:—(RAMSAY, J., *diss.*), That the members of the new association, although they had changed the name of the society, constituting as they did a majority, and the members claiming to be the old association being a minority, the latter were not entitled to demand the monies in the hands of the trustees.—*Court Mount Royal & Boulton*, Dorion, Ch. J., Ramsay, Tessier, Cross, Baby, JJ., Nov. 22, 1881.

* To appear in Montreal Law Reports, 6 Q. B.

Carrier—Responsibility—Railway Company—Person conveyed contrary to Company's regulations—Collision—Damages.

Held:—That where a person, by giving a tip or bribe to the conductor of a train not intended for the conveyance of ordinary passengers, as he had reason to know, induces the conductor of such train to permit him to travel on the train contrary to the regulations of the railway company, he travels at his own risk; and if, while so travelling, he is injured by a collision, he is not entitled to be indemnified by the company for any damage to person or property sustained by him.—*Canadian Pacific R. Co. & Johnson*, Dorion, Ch. J., Cross, Baby, Bossé, JJ., March 20, 1890.

Sale of goods by weight—Contract, when perfect—Art. 1474, C. C.—Damage to goods before weighing.

Held:—Reversing the judgment of TORRANCE, J., (M. L. R., 2 S. C. 395), TESSIER and BOSSÉ, JJ., dissenting. That where goods and merchandise are sold by weight, the contract of sale is not perfect and the property of the goods remains in the vendor, and they are at his risk, until they are weighed, or until the buyer is in default to have them weighed; and this is so, even where the buyer has made an examination of the goods, and rejected such as were not to his satisfaction.—*Hannan & Ross*, Dorion, Ch. J., Tessier, Cross, Bossé, Doherty, JJ., May 23, 1890.

SUPERIOR COURT—MONTREAL.*

Procedure—Art. 421, C. C. P.—Motion for judgment on verdict.

Held:—1. That the delay of "four days in term" mentioned in Art. 421, C. C. P., means four days of a term of the Court of Review.

2. That as motions for new trial or for judgment *non obstante veredicto* need not be made till the second day of the next term of the Court of Review following the tenth day after the rendering of the verdict, the party who has the right to make such motions can have the motion for judgment on the verdict continued till the last day of the aforesaid

* To appear in Montreal Law Reports, 6 S. C.