

The Legal News.

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Under the amendment made last year by the provincial legislature (7 Leg. News, 217), the long vacation begins on the 1st of July instead of on the 10th, and extends to August 31 inclusive. The Courts are not obliged to sit between Aug. 31 and Sept. 10. The labours devolving upon the judges of late, under the pressure of increasing business and insufficient accommodation, have been more arduous and harassing than usual, and the necessity of a vacation is more imperative. We hope that the members of the bench will be able to take advantage of it to the fullest extent.

The important amendments made by the provincial legislature during the recent session with reference to abandonment of property and assignments, have been issued in the form of a neat manual by Mr. A. Periard, Mr. R. D. McGibbon, advocate, having undertaken the editorial supervision. The text of the amended law is given and the editor has added some notes and forms, together with an Index which will be found convenient by those consulting the clauses of the law as it stands at present. It may be remarked that the defect in the law of *capias* exposed in the case of *Molson & Carter* (6 L. N. 189), and again adverted to in *Goldring & La Banque d'Hochelaga* (8 L. N. 97), has at length been remedied, and imprisonment can now be ordered in a case like that of *Molson*.

In the judgment in *re Bell Telephone Patent*, 8 Leg. News, p. 34, reference was made to the case of *Barter v. Smith*, which was the first of its kind in Canada, the Telephone case being the second. As this decision is of special interest to all who may have to do with patent cases, we have obtained a copy of the official report prepared at Ottawa, and begin its publication in the present issue, in order that it may be on record for the use of the members of the profession and others interested.

The number of indictable offences committed in England, in the years 1882 and 1883, was 49,534. The returns show that only 20,450 persons were apprehended, and that 15,258 were committed for trial, of whom 11,443 were convicted. There were also 588,710 persons convicted on summary proceedings before magistrates. The punishment of whipping, it may be observed, is far from becoming obsolete, as it appears to have been inflicted in 3,115 cases.

SUPERIOR COURT.

MONTREAL, April 13, 1885.

Before LORANGER, J.

Low, *es-qualité*, v. BAIN, and PHILLIPS et al., opposants, and plaintiff contesting.

Inscription for enquête.

The plaintiff contestant inscribed as follows:—"On the rôle d'enquête for the adduction of evidence."

Opposants moved to strike the inscription "because no such inscription is legal without the consent of the opposants."

"Because no such consent was ever given by the said opposants."

At the argument, opposants relied on *The Exchange Bank v. Craig*, M.L.R., 1 Q.B. 39.

The judgment was as follows:—"Considérant que la demanderesse *es-qualité* a inscrit la présente cause sur le rôle d'enquête pour audition de la preuve et que cette inscription est conforme à l'article 234 du code de procédure civile;

"Considérant qu'en vertu de cette inscription l'inscription peut être prise au long ou par notes en la manière indiquée par les articles 236 et 263 du code de procédure civile;

"Considérant que le consentement des parties n'est pas requis que pour le cas où l'enquête doit être prise au long (article 284 du même code);

"Considérant que l'inscription, telle que produite ne demande pas que l'enquête soit prise au long;

"Renvoie la motion des opposants avec dépens."

Robertson, Ritchie, Fleet & Falconer, for opposants.

Maclaren, Leet & Smith, for plaintiff contesting.