

The Legal News.

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Mr. Justice Baby, in addressing the Grand Jury, at the opening of the March Term, made the following reference to the removal of an honoured colleague. His Honour said: "Before going any further, it is my painful duty to inform you of the melancholy death of the eminent judge who, during the last term, presided over this court and addressed you from this very place in that clear, practical and fearless manner which always characterized his sayings and carried such weight with you. In the prime of life and full possession of his intellectual faculties, which were of a very high order, he might have still rendered great service to the country in general, and his colleagues in particular, but Divine Providence, in the wisdom of His decree, has ordained it otherwise, and we have now only to submit, and deplore a death so unexpected. After having gone through a brilliant career at the Bar, Judge Ramsay was an ornament to the Bench for nearly fifteen years, and his virtues, as well as his legal lore, were admitted by all. But it was in this court principally that came out more forcibly his firmness of character, his moral rectitude and his profound knowledge of the law, the whole tempered, however, with that clemency and that commiseration which distinguish the superior mind. Society has lost one of its most useful and devoted members; and, while we all regret him, his memory will live long among us, no doubt, as that of having been an enlightened, industrious and conscientious magistrate."

The case of *King v. Henkie*, decided recently by the Supreme Court of Alabama, is a case of novelty and interest. The action was by the personal representatives of a deceased person, under an Act similar to Lord Campbell's Act, against a saloon keeper who sold liquor to a man helplessly drunk, who, after swallowing the stuff, expired almost instantaneously. The Supreme Court

held that the action could not be maintained, that the drinking of the liquor, which was the act of the deceased, was the proximate cause of his death, and that the act of the defendant, in selling or giving the liquor, was only the *remote* cause, and that fact protected him from liability. The court said:—"The only wrongful act imputed to the defendants was the selling, or giving, as the case may be, of intoxicating liquors to the deceased while he was in a stupidly drunken condition, knowing that he was a man of intemperate habits. It is not shown that the defendants used any duress, deception, or arts of persuasion to induce the drinking of the liquor. The act, however, as we have said, was a statutory misdemeanor. But this was only the remote, not the proximate or intermediate cause of the death of plaintiff's intestate. The rule is fully settled to be that, 'if an injury has resulted in consequence of a certain wrongful act or omission, but only through or by means of some intervening cause, from which last cause the injury followed as a direct and immediate consequence, the law will refer the damage to the last or proximate cause, and refuse to trace it to that which was more remote.' Cooley on Torts, 68-69; 1 Addison on Torts, 12-13; §§ 10-11."

CUSHING'S NOTARIAL FORMS.

Cushing's Notarial Form Book, with a Treatise or Historical Outline of the Notarial Profession. Montreal, A. Periard, publisher.

This is a work of considerable importance, prepared by an experienced member of the notarial profession, Mr. Charles Cushing, B.C.L. The author states that one of the reasons which led him to compile this book is that no work on the notarial profession has been written in English. The Forms are given in alphabetical order, and extend over 260 quarto pages. The usefulness of such a work needs no comment, and we presume that at least all notaries who have occasion to pass deeds in the English language will find it indispensable. It is also of interest to the members of the legal profession. The book is well printed on excellent paper, and neatly bound.