

Prac.]

NOTES OF CANADIAN CASES—BOOK REVIEWS.

The judgment on further directions ordered the defendants to pay to the plaintiff the amount found due with costs.

The taxing officer taxed the costs on the higher scale.

Held, that the defendants' liability was not a legal one as for a money demand; but the claim was for equitable relief, and the action could not have been brought in the County Court, nor was it a case under Rule 515 O. J. A., for costs on the lower scale, for the amount involved was \$305.88 (\$182.61 plus \$123.27), a sum beyond the former equitable jurisdiction of the County Court, and therefore the taxing officer was right in taxing the costs on the higher scale.

Muir, for the defendants.

Watson, for the plaintiff.

Boyd, C.]

[April 22.]

WALKER V. WALKER.

Interim alimony—De facto marriage denied.

Upon an application for *interim alimony* the plaintiff swore that she was married to the defendant, and gave the time, place and circumstances of the alleged marriage. The defendant denied and brought confirmatory evidence to support his denial that the marriage was celebrated at the time and in the manner and place alleged by the plaintiff; but he did not deny the existence of facts deposed to by the plaintiff, from which a marriage *de facto* might be inferred from conduct and reputation. Under these circumstances the order of a local Master, awarding the plaintiff *interim alimony*, was affirmed.

Held, that the principle which underlies all the decisions is that the allotment of *alimony pendente lite* depends upon the marital relationship of the parties existing *de facto*. The Court exercises a discretion in granting or withholding *alimony pendente lite* which is regulated by the circumstances of each case, and the defendant by his own act and conduct having clothed the plaintiff with the reputation of being his wife, the decision of the Master should not be interfered with.

Lash, Q.C. for the appeal.

Hoyles, contra.

BOOK REVIEWS.

THE ELECTOR'S POLITICAL CATECHISM. Compiled by Richard John Wicksteed (of the Law Department, House of Commons, Ottawa). Ottawa: Citizen Printing and Publishing Company, 1885.

This brochure of Mr. R. J. Wicksteed was issued some little time ago, and we crave his pardon for not noticing it before. It is intended to try to give electors a view of their position, duties and responsibilities as citizens of Canada. It is, speaking generally, an effort towards giving men thoughts beyond party, shaking off the abominable tyranny of partyism, and freeing them not only from those galling chains, but from the equally adamant bonds of self-interest; an effort to clear away the mist obscuring the sight of this true heritage of freedom, whereby they can become free and strong to do the right without fear from without or reproaches from within. His aim is high and we shall not (for fear a doubt might help to mar the good work) question his statement, "that it ought not to be very difficult to elevate our elector and legislator to the *judge* standard, and to bring about a recognition of the principle that a vote at the polls or in Parliament influenced by undue considerations is as much an act of immorality as a corrupt decision by a judge."

The writer claims that what he deprecates must have its cause in the ignorance of the electors as to the constitution, and of their duties and responsibilities as citizens. His thoughts are large and high (not claiming them to be original, for he gives a list of his authorities in an appendix), though, in the form in which expressed, quaintly reminding us of childhood's days when we were taught with weary labour the old Church Catechism. Let us give some extracts:—

QUESTION. What is your name and state of life?

ANSWER. I am A. B., an elector of the Dominion of Canada, a colony of the United Kingdom of Great Britain and Ireland, and a subject of Her Britannic Majesty.

Q. What privileges do you enjoy by being an elector of Canada?

A. By being an elector of Canada, I am a greater man in my civil capacity than the greatest subject of an arbitrary prince; because I am governed by laws to which I give my consent—and my life, liberty or goods cannot be taken from me but according to these laws. I am a freeman.

Q. Who gave you this liberty?

A. No man gave it to me. Liberty is the natural right of every human creature; he is born to the exercise of it as soon as he has attained to that of his reason. But that my liberty is preserved to me, when lost to a great part of mankind, is owing, under God, to the wisdom and valour of my ancestors.