

AN ENGLISH JUDGE ON SHYLOCK.

In these days, when so many people are inclined to take liberties with property, it seems likely that the "League" which has been formed to protect both liberty and property will find enough to do. There are, of course, traducers of this excellent body, for what great organization was ever started which has not been made the shaft of misplaced or even malicious criticisms? One of the lights of the "Liberty and Property Defence League" is Lord Bramwell, and we are surprised to find that his views on these subjects have incurred the gentle ridicule of Sir William Harcourt. The Home Secretary lately ventured to assert that Lord Bramwell entertained so vast a reverence for all kinds of property that if he had been called upon to decide the legal dispute in "The Merchant of Venice," he would infallibly have declared that Antonio's pound of flesh must be given to his creditor. Lord Bramwell, with the frankness which usually characterises him, has met Sir William Harcourt's little joke by an answer delivered from the judicial bench. In the course of an Appeal Court case the learned judge took occasion to respond to the witty illustration of the Home Secretary. Far from expressing the slightest shame or penitence for the views which he holds as to the sacredness of property of all descriptions, Lord Bramwell actually seems to glory in them. The session of the Court of Appeal was probably the earliest opportunity that was presented to him of answering Sir William Harcourt's banter; but at all events, he seized on the opportunity and turned it to the best account. It is interesting to hear what a judge—especially a judge of Appeal and a law lord—thinks of the legal bearings of a Shakespearian drama. Apparently the Swan of Avon, if he ever had any legal training, which is doubtful, did not profit by it enough to avoid falling into error in what may be called the *cause célèbre* of *Shylock v. Antonio*. Portia's statement of the case would, Lord Bramwell tells us, have induced him to give the pound of flesh to the usurer, except for one little flaw in her argument. The flesh had not been "appropriated," and could not, therefore, be regarded as property to which Shylock had a good legal right until

it had been cut from Antonio's quivering body. Supposing Lord Bramwell to have been sitting *in banco* with the Doge of Venice on the occasion of the famous trial, and the pound of flesh had been lying on a table, ready cut; in that case the decision of the English judge would have been in favor of the plaintiff's claim to the possession of the horrible piece of "property." But then, as Lord Bramwell truly remarks, in order to get the flesh, assault, and even murder, would have had to be committed, and therefore the contract was null and void from the beginning. No doubt it was stupid of Shylock not to have taken counsel's opinion on this point before he lent the money to the merchant; but malice made him forget his prudence and cleverness for a time. Portia accordingly, when she argued that Antonio must part with sixteen ounces of his "personal property," was distinctly in error, and the Venetian Court unhappily was acting *ultra vires*, as Courts sometimes do. It had no right to tell the Jew to take the flesh, but to be careful "to spill no drop of blood" with it. The moment Shylock had advanced towards his victim, knife in hand, he would have been technically guilty of an assault with intent, and would have been obliged to appear at the police court of the period next morning to hear what the sitting magistrate thought of the offence.—*London Telegraph*.

COURT OF QUEEN'S BENCH.

[In Chambers.]

MONTREAL, April 29, 1885.

Coram Cross, J.

WYLIE et vir, Appellant, and THE CITY OF MONTREAL, Respondent.

Appeal to Supreme Court—Future Rights.

The appellant was condemned by the Superior Court (7 L. N. 26) to pay the respondent \$408, for taxes due to the City, for the years 1878, 1879, and 1880, on property belonging to Appellant, and by her used as a girls' private school. This judgment was, by a majority of the Court, confirmed in Appeal.

Kerr, Q.C., petitioned for leave to appeal to the Supreme Court, basing his right so to do upon the ground that the judgment com-