

sonalities in public contests. The intelligence of his death, though not unexpected, has caused much sorrow among his professional brethren, and the community generally have exhibited a desire to honor his memory.

PUBLICATIONS.

THE AMERICAN LAW REVIEW. Little, Brown & Co., Boston.

The *Law Review*, which, during the thirteen years of its existence as a quarterly, won the very highest reputation for accurate work and general excellence, has, with the opening of the year, assumed the form of a Monthly Review. The old Quarterly would have been sadly missed by the profession, if the enterprising publishers had not, by trebling the number of issues, established fresh claims to gratitude. The contents of the January and February numbers are varied and interesting. Each issue comprises nearly one hundred pages, and no increase is made in the rate of subscription. The *Law Review* is entitled to liberal support, and we hope it will have a large circulation in Canada.

THE ALBANY LAW JOURNAL, Albany.—We have received a copy of the memorial number, in which the learning and ability of the founder, the late Mr. Isaac G. Thompson, are commemorated. The tribute which has been paid to the memory of this gentleman by all classes of the profession, from the Chief Justice of the Supreme Court down, is a most remarkable one, and shows that the legal world, though not demonstrative, is far from unappreciative. Mr. Thompson himself was one of the most unassuming of men, and would have shrunk from the honors which have been paid, unsolicited, to his memory as a faithful worker and good citizen.

NOTES OF CASES.

COURT OF QUEEN'S BENCH.

[In Chambers.]

MONTREAL, Feb. 9, 1880.

RAMSAY, J.

Ex parte JOSEPH ARCHAMBAULT, Petitioner for *habeas corpus*.

Selling liquor without license—Proof of municipal organization—Error in Statute, 42 & 43 Vic., cap. 3, s. 30.

RAMSAY, J. The petitioner was convicted for

that he "at the village of St. Jean Baptiste, in the first division, within the district aforesaid," sold intoxicating liquors, and he was sentenced to pay a fine of \$75, and the further sum of \$8.70 for his costs. There was the usual addition for arrest, commitment and conveying to gaol, if the fine was not paid. The fine not being paid, the Judge of Sessions issued his *mittimus*, under which he was sent to gaol for three months, unless these several sums were paid, "and all costs of the arrest, commitment and conveying him to gaol," amounting to the further sum of \$2.70, be sooner paid, &c.

It is now contended that the Judge of Sessions has exceeded his jurisdiction, firstly, it not appearing that the village of St. Jean Baptiste is a place "municipally organized"; and, secondly, that the costs of arrest and commitment, and conveying to gaol, could not possibly exceed \$2.

Originally the village of St. Jean Baptiste was only incorporated by proclamation under the general Act for the incorporation of towns and villages; but that incorporation has been recognized by statute, as also the proclamation describing the territory so incorporated. We have, therefore, to look at the proclamation as part of the Act of incorporation, and there we find the village of St. Jean Baptiste described, and a name given to it as a corporation. We cannot, therefore, entertain the objection that the offence was not committed within territory "municipally organized," which is the term of the Act of 1878 (section 71). The authorities referred to on the part of the petitioner do not apply, because it is evidently not necessary to set up the corporate name of the territory, but only to establish that the territory by whatever name designated was municipally organized.

The second point necessitates a reference to several statutes. In the first place by the Summary Convictions Act (32 & 33 Vic., cap. 31, sec. 53,) it is provided that justices may in their discretion award costs, "not inconsistent with the fees established by law," &c. By cap. 93 C. S. L. C. (sections 18 & 19), the Governor-in-Council was empowered to make a tariff of fees for "the Clerks of the Crown and of the Peace, criers, assistant criers and tipstiffs, and all other officers of justice, whose fees are to form part of the officers of justice fee funds, established under this Act," *i.e.*, 20 Vic., cap. 44.