

## The Legal News.

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### AN IMPORTANT WORK.

It may be a surprise to our readers to learn that the late Mr. Justice Mackay, of the Superior Court, had been engaged, for a number of years before his death, in the preparation of a work on the law of fire insurance. It is probable that a special study of this subject had been made by the learned judge before his appointment to the bench. At all events the materials which had been accumulated during a considerable time, were framed into something like a systematic treatise prior to his retirement from office, for in June, 1881, the learned judge communicated with the editor of this journal with reference to the preparation of the work for the press. The voluminous manuscript was examined and arranged, but the author was soon after compelled, by the state of his health, to retire from the bench, and was absent from Canada for some time. Little more was done until the close of 1884, when the work was again examined and revised, the arrangement was somewhat altered, some parts were curtailed, and notes of fresh cases were embodied in it. Publication, however, was deferred, the learned judge being desirous of further revising it, and his health not permitting continuous application. Notes and remarks were still being accumulated, when the task was interrupted by the illness and death of the lamented author.

It is the wish of the relatives of Mr. Justice Mackay that the work upon which so much time and thought were expended should not be lost to the profession. With this view the manuscript has been again placed in our hands, and it is proposed to publish portions of it from time to time in this journal. We are well aware from his own lips, that Judge Mackay's aim was not to write an ambitious work upon a subject which has been elaborately treated by English and American authors. What he chiefly desired was to supply the profession with a convenient

manual upon a branch of law of great practical importance. To this end he abridged from time to time and cancelled portions which he considered might be dispensed with, and he would probably have carried the process of excision still further had he lived to complete the revision. We shall have the less hesitation, therefore, in using a discretion to omit, at all events for the present, such paragraphs and notes as seem less material. An editor is always at some disadvantage in taking up an unfinished work. We have had the assistance, it is true, of numerous consultations with the author, but, nevertheless, we feel that some indulgence may be required in view of the circumstances in which the work sees the light.

### LEGISLATION OF LAST SESSION.

The following Acts passed by the Quebec legislature during the last session amend articles of the Codes:—

53 V., CHAP. 55.

An Act to amend articles 67, 68 and 69 of the Code of Civil Procedure.

1. The following paragraph is added to article 67 of the Code of Civil Procedure.

"In the case of an action in separation from bed and board by a husband against his wife, if the latter resides outside the Province of Quebec, she may be called in to appear in virtue of article 68 or 69, as the case may be."

2. The words "but has property therein," in article 68 of the said Code, as contained in article 5866 of the Revised Statutes of the Province, are replaced by the following: "but that the cause of action arose therein."

3. The words: "when a defendant having property in the Province has never had or has no longer any domicile therein, or" in article 69 of the said Code, as contained in article 5867 of the said Revised Statutes, are repealed and replaced by the following: "if the defendant has left his domicile in the Province, or has never had such domicile, and"

4. This Act shall come into force on the day of its sanction. (April 2.)