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THE CRIMINAL CODE OF VIRGINIA.

A new Criminal Code came into force in Virginia on the 1st July. A feature of this Code which has attracted considerable attention is the introduction of the whipping post, not for serious crimes, but for simple misdemeanors. This seems to be a step decidedly backward, and the plea which is urged on behalf of it—economy of State prison expenditure by substituting the lash for terms of imprisonment—does not mend the matter. When the lash was re-introduced in England for offenders of the worst description, those who committed robbery with violence, the law was enacted with no little misgiving. Upon the whole, however, it has worked well. But Virginia has not restricted the punishment to grave offences. It is to be imposed for trifling violations of the law, and even women are not exempt. The Courts, it is said, have large discretionary powers, so it may happen that magistrates of a humane disposition will substitute the alternative punishments, while others will be disposed to carry out the law in its utmost rigor.

A POINT OF PRACTICE.

A correspondent at Montreal has drawn our attention to a point of some interest to those practising in the Circuit Court. It appears that for many years past it has been the custom of the officials employed in the office of the Court to exact a fee of \$1.40 on the filing of every preliminary exception, in cases under \$60, besides the deposit of \$4.00. This exaction, for which no authority could be cited, was resisted recently by our correspondent, and on the matter referred to Mr. Prothonotary Honey, it was admitted that the charge was illegal and unwarranted. It is not the first instance of the kind which has occurred. More than one charge unjustified by authority has been levied, and practitioners, rather than have an unpleasantness over a matter which perhaps does

not greatly touch their pocket, have fallen into the routine of paying the fees demanded. But it is evidently their interest that the Court House dues, which are already severe enough, should not be unnecessarily increased, and those who detect and resist illegal charges are doing a service for which they deserve the thanks of the profession.

PURCHASE OF GOODS OBTAINED BY MISTAKE AND FRAUD.

The decision of the House of Lords in *Cundy v. Lindsay* (38 L. T. R. N. S. 573), reported in the present issue, is of interest. A man named Blenkarn, by writing his name so as to be mistaken for Blenkiron, a responsible firm in London, obtained goods from the plaintiffs, linen manufacturers in Belfast. Blenkarn had no means of paying for the goods, and they would not have been sent to him but for the deception practised, by which the vendors were led to suppose that the purchaser was Blenkiron. The defendant bought the goods in good faith from him, and re-sold them. The action was against the defendant for conversion, the goods not having been purchased by him in market overt. The House of Lords has sustained the action, holding that the property in the goods never passed from the plaintiffs, and that the latter were entitled to recover their value from the defendant. One of the precedents referred to was *Hardman v. Booth*, 7 L. T. R. (N. S.) 638, where it was held that there was no real contract between the parties by whom the goods were sold and delivered, and the person who obtained possession of them by fraud, because the goods were not sold to him. For a case somewhat analogous under the Civil Code of Lower Canada, the reader may compare *Cassils & Crawford*, 21 L. C. Jurist, p. 1. In that case Crawford, in good faith, made advances on goods which had been stolen from Cassils. The goods being seized by the High Constable as stolen property, in the possession of Crawford, the latter sought to revendicate them as pledged for his advances; but the Court of Appeal at Montreal held that Crawford was not entitled to enforce his lien for advances as against the real owners, and the action in revendication was dismissed.