tragical example in England. There are varieties of character, female as well as male, and female as well as male fiends. Of this enthusiasts take no heed: male reputations, even when they are of the highest importance to the community, being beneath the notice of benevolence. By the provision that the offender shall be let off if he can plead that he has married the girl, a vista of conspiracy, forced marriage, and domestic misery is opened to view. Any woman who can entrap a foolish youth will be able to compel him to marry her on pain of being put in the dock. Experienced lawyers say that real cases of seduction are rare; but if Mr. Charlton's bill becomes law, fictitious cases of seduction are likely to abound. Such Acts have been passed, no doubt, by Legislatures in the United States. Legislatures in the United States will for show pass anything that is sentimental with more ease than they would pass an effective law against corruption; but to what extent have these enactments been put into execution? The illicit intercourse of the sexes is a sin which, besides destroying purity and beauty of character, poisons the very well-spring of human happiness. A crime in the legal sense it is not; much less is it a crime in one party alone. In the real interest of morality, it is to be hoped that Mr. Charlton's proposal will never become law."

THE NESBITT MURDER.

The Nesbitt case is in some respects of considerable interest, and the task of charging the jury was of more than ordinary delicacy. The learned judge who presided at the trial has put the substance of the charge in writing, and we believe its importance will be considered sufficient, more especially by those of our readers practising in criminal courts, to justify its reproduction here.

NOTES OF CASES.

SUPERIOR COURT.

MONTREAL, March 20, 1883.

Before LORANGER, J.

ANDERS v. HAGAR.

Exception to the form—Demurrer.

A defendant who is sued for the recovery of a penalty under 31 *Vict., cap.* 25, *sec.* 37 (*Q.*) *by a plaintiff who brings the action in his own name instead of suing as well for the Crown as for himself, should set up this defect by demurrer and not by exception to the form.*

The plaintiff instituted an action in his own name against the defendant who was President of the Pioneer Beet Root Sugar Co., for a penalty of $100 for alleged refusal to exhibit the Company's books, and $50 damages suffered in consequence of such refusal. The defendant met the action by exception to the form, saying that the plaintiff should in virtue of the Act 31 Vict., cap. 7, sec. 7, have brought the action as well for the Crown as for himself, and claimed only one-half of the penalty for himself. The plaintiff thereupon obtained leave to amend the conclusions of his declaration so as to claim only a moiety of the penalty for himself and the balance for the Crown. The defendant then inscribed on the exception, pretending that as the writ had not been changed, and as the plaintiff was still suing in his own name, the action as amended was still bad and should be dismissed.

LORANGER, J., held that, although the action was undoubtedly badly brought, the question should have been raised by a plea to the merits, as this was not a ground for exception to the form under Art. 116 C.C.P.

Exception dismissed.

F. X. Choquet, for plaintiff.

Wotherspoon, Lafleur & Heneker, for defendant.

[The Court of Q.B., March 29, without expressing any opinion on the merits of the question, granted leave to appeal from the above judgment.]

SUPERIOR COURT.

SHERBROOKE, January 31, 1883.

Before BROOKS, J.

LUCKE et al. v. WOOD.

Compensation—Unliquidated damages.

A claim of unliquidated damages, ex delicto, e. g., damages caused by wrongful issue of capias, cannot be pleaded in compensation to an action for goods sold.

This was an action for $41.02, instituted in the Superior Court, commenced by issuing a *capias* August 10, 1880, followed by a seizure on the 27th of the same month. A *capias* had first issued in July, returnable in August, but the plaintiffs, fearing that their proceedings were irregular, discharged the defendant from arrest, and took out a second writ.

The defendant did not petition to set aside the capias or seizure, but filed three pleas:—

1st. General issue.

2nd. A denial of certain items of the account, and allegation of payment of others, and alleg-