

# THE LEGAL NEWS.

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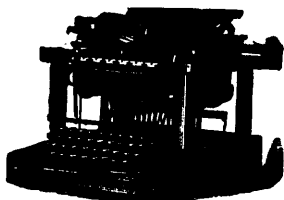
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## The Legal News.

VOL. IX. FEBRUARY 13, 1886. No. 7.

There is some talk now of a supplementary Court House in Montreal, which, if inconvenient to some practitioners, would be a less evil than cutting up the rooms and crowding additional courts into the present building. The size of the existing court rooms certainly mitigates the evils of deficient ventilation, and if provision were made elsewhere for circuit and criminal business the old Court House would afford adequate accommodation for many years yet. On the subject of law courts the following suggestions may be quoted from the London *Lancet*:—"In the interest of litigants, it does seem to be of the highest importance to maintain some degree of bodily comfort in those who have in their hands the making and unmaking of the happiness of others. . . . No public building can ever be satisfactory unless the questions of convenience, light and air are made of prime importance, nor unless the plan of a building is definitely settled in relation to its uses and situation before the question of artistic style is entered upon. Having settled on a plan which shall afford the utmost facilities for transacting business, together with the possibility of health for those who are to work and live in the building, then the genius of the artistic architect ought to be shown in rearing a beautiful building upon a plan in which utility and health have been the only considerations. Each age has had its own style of architecture. The Gothic, beautiful as it is, was the architecture of an age of superstition and epidemics. Are we ever to have the Gothic replaced by the Hygienic, in which the healthful and the beautiful will be united by the genius of some nineteenth-century architect? This genius of original mind has yet to appear, but when he does he will assuredly pass in the race for fame the slavish copyists of great men who built for conditions of life totally different from our own."

The abolition of an office is sometimes an expensive affair. The death of the second Lord Brougham (brother of the Lord Chancellor) is noted, at the age of ninety-one. The office of master in chancery which he held was abolished in 1852, and the occupant of the post retired on a pension of £3,225 per annum. Thirty-three years have since elapsed, and the pension has amounted to over half a million dollars.

So much has been said of late with reference to the seduction of women by men that the following extract from an old statute of New Jersey, passed while the State was a British colony, and, it is said, still unrepealed, and which shows how our forefathers viewed the question, has quite a startling effect:—"That all women of *whatever age, rank, profession or degree, whether virgins, maids or widows, who shall, after this act, impose upon, seduce and betray into matrimony any of his Majesty's subjects by virtue of scents, cosmetics, washes, paints, artificial teeth, false hair or high-heeled shoes, shall incur the penalty of the law now in force against witchcraft and like misdemeanors.*"

We are afraid that it takes a considerable time for information to percolate to some quarters of our extensive Dominion. Thus, we received lately, from a remote district, a communication which shows that the writer is not yet aware of, or has not understood, the change in the system of reporting which was explained as far back as 7 *Leg. News*, p. 329. For instance, he writes: "Il vaudrait mieux *que vous publieriez moins de jugements et que vous les publieriez tout au long. Ce serait plus utile pour les avocats. Le sommaire seulement d'un jugement nous sert à peu de chose.*" This refers to the head notes of the *Montreal Law Reports* published in advance in this journal. We are sorry that every reader cannot have a law journal published to suit his individual tastes and requirements; but that is a feat which, with a lively recollection of the fable read in our childhood, of the Miller and his Ass, we shall never be rash enough to attempt. As nearly all the readers of the *Legal News* are subscribers to the *Montreal Law Reports*, any

repetition of matter would obviously be out of place, and it may even become a question whether the publication of the head notes in advance is necessary. We would take this opportunity, however, to say to our readers outside of Montreal, that as the decisions of the Superior and Appeal Courts of this district alone form part of the system of the *Montreal Law Reports*, we shall be glad to receive for insertion in the *Legal News* notes of decisions given in other districts, which often involve very interesting questions and are treated in a very able manner by the learned judges who dispose of them. We are under obligations to our correspondent for a note of one of these cases.

### CIRCUIT COURT.

MONTREAL, Jan. 26, 1886.

Before MOUSSEAU, J.

MITCHELL v. LAZARUS et vir.

*Agency—Liability of Principal—Husband and Wife.*

The defendant, a *marchande publique*, carried on business under the name of L. A. & Co'y; L. A., defendant's husband, being her general agent and business manager. The plaintiff sued for price of brass tubing furnished upon order of the husband.

The defendant's principal plea was that the tubing was ordered by the husband without her authority for a private enterprise of his own, which had nothing to do with the business of L. A. & Co'y, and that she could not be held liable.

The plaintiff proved that the goods were purchased in the ordinary course of business for L. A. & Co'y, that he was led to believe by the husband that the goods were so purchased, that no credit had ever or would have ever been given to the husband personally; that in this as in other transactions the plaintiff only dealt with him as representing L. A. & Co'y, and looked to the stock of that business as his security for the debt.

*Held*, that defendant was liable.

Action maintained with costs.

*Hague & Hague*, for plaintiff.

*D. E. Bowie*, for defendant.

(H. J. H.)

### PATENT OFFICE, CANADA.

Before J. C. TACHÉ, Deputy Minister of Agriculture.

MITCHELL v. THE HANCOCK INSPIRATOR CO.

*Patent Act of 1872—Importation—Combination of old elements—Costs.*

*Where a patent covers an invention which consists of a new combination of old elements, the importation of the elements in their separate state, to be merely put together in Canada, is an importation of the invention within Sect. 28 of the Patent Act of 1872.*

*No costs are allowed in cases before the Minister of Agriculture under the Patent Act of 1872.*

The case was raised against the existence of Patent No. 7,011, granted the 24th January, 1877, to J. T. Hancock, for "The Hancock Inspirator," now owned by the Hancock Inspirator company of Montreal, for alleged forfeiture on the ground of non-compliance with section 28 of the Patent Act of 1872. It was heard before the deputy of the Minister of Agriculture. The petition addressed to the Minister of Agriculture contains allegations of non-manufacture and of illegal importation of the patented article. The case was fixed for the 14th October, 1885, for hearing; but through a series of adjournments, asked by mutual consent of the parties, was heard first on the 17th of November, and concluded on the 22nd December, the decision being reserved for a future day. The evidence consisted in the production of customs papers, business correspondence, statutory declarations and the verbal testimony of Messrs. Ora P. Patten, of Montreal; J. F. Wolfe, special agent of the Customs department, and James M. Betton, manager of the "Hancock Inspirator company."

Mr. *Fleet*, for the disputant, in substance, said that the case practically came before this tribunal on a reference from the Superior Court of Montreal. Mr. Mitchell, the disputant, having been sued by the Hancock company for infringement of their patent, to the amount of \$5,000, pleaded, besides other means of defence, the forfeiture of the said patent on account of illegal importation and non-manufacture in the terms of the 28th section of the Patent Act. This special pleading was met by a demurrer, to the effect that

the nullity caused by violation of the 28th section of the Patent Act cannot be tried by any other court than that of the Minister of Agriculture, upon which exception Mr. Mitchell applied, to Mr. Justice Mathieu, to stay the proceedings, in order to obtain a decision from this tribunal which might be introduced into the record, which application the judge allowed. The evidence produced clearly demonstrated that large and continuous importations were made by the patentee and his legal representatives, and that the patented article was never entirely manufactured in Canada. A case of this kind narrows itself down to matters of fact, and the matter of fact is whether the importations were made subsequent to the term allowed by the Act, or whether they were not. Mr. Patton's evidence, and the correspondence between the owners of the patent and Mr. Patton, their agent for a time, demonstrated that, after the expiration of the delay, extensive importation of the invention actually took place, and that there was a decided intention shown to supply the demand for the article to any extent by means of importations. Till two years from the present time 630 inspirators were imported in parts, to be simply put together in Canada, for the purpose of vending and selling them to the Canadian public. The affidavits produced by the respondents in the case are virtually an admission of the facts alleged by the disputant. The proof, Mr. Fleet held, was so conclusive that it was unnecessary to say more. They were willing to rely wholly on the point of illegal importation. The fact of non-compliance with the law as to manufacture was also referred to in responding to the remarks of Mr. Tait.

Mr. Tait, Q.C., for the respondent, argued that the patentee and his assignees had done all they could to comply with the exigencies of the Patent Act, and had actually kept themselves within the provisions of the statute. The patent bears date the 24th January, 1877, the affidavits filed by the respondents establish that James Morrison, of Toronto, commenced the manufacture of the invention in Canada on the 21st day of January, 1879, being within two years from the date of the patent, and had ever since continuously carried on, in Canada, the manufacture thereof

according to law, in such a way that the disputant could have obtained the article at such a reasonable price as to have been able to make a fair profit upon the re-sale. In the month of November, 1880, the firm of Stevens, Turner & Burns, of London, Ontario, obtained a license to manufacture, and did manufacture the invention until December, 1882, when they abandoned their license and transferred their stock to the respondents, by delivering the same to their agent at Montreal, Mr. Betton. The respondents, in 1883, made a new arrangement with Morrison, by which they agreed to purchase the patented article, manufactured in Canada by Morrison, at the rate of no less than 500 in every year, an arrangement which has ever since been and is now in force. The owners of the patent had never received any demand for license to manufacture from the disputant nor any other person, except the said Morrison, and Stevens, Turner & Burns, and they had never refused to sell the patented invention to anyone. Therefore it was held the pretension of the disputant that the respondent's patent is forfeited by reason of non-manufacture should be declared unfounded. The invention in question is a combination of two old and well known sets of apparatus. One of them is used to raise the water, and is called in the specification "the lifting injector," and is also known by the name of ejector. Such an instrument was invented in England as far back as 1806; in the form used in the patent here in question, it was invented by Mr. Hancock, and patented in the United States in January, 1869. The other element or apparatus is used to transmit the water to the boiler, and is known under the name of "Injector." This instrument was invented in France by Mr. Giffard and patented in Europe, in 1858, and in the United States, in 1860. Prior to Hancock's invention, here in question, each of these elements was used by itself, or in other combinations, and both are so used to the present day. The invention of patent No. 7,011 has been accomplished by a new arrangement or combination of these two elements. To apply the combination, which is intended for stationary boilers, to locomotive boilers, a different system of valves and levers is used;

those used in the Hancock's locomotive inspirators, as originally constructed, were invented by Mr. Park, and patented in the United States, and those used for locomotive inspirators more recently constructed, were patented, in Canada, by J.T. Hancock, in 1881. The respondents admit that they imported locomotive inspirators embodying Park's and the Hancock's last mentioned invention, but they maintain that this does not entail the forfeiture of their patent, because the machines imported were not the invention patented under Patent No. 7,011, for the reason that if the levers and valves, which constituted Park's invention, not patented in Canada, as used in the first form of the machine, were removed there remained nothing but barrels and jets of themselves wholly inoperative for any purpose; the same can be said in relation to the Hancock's invention of 1881, patented in Canada, inasmuch as valves, connections and means of operating these would have to be supplied to obtain the result sought for. The patents of 1881, No. 12,934 and No. 13,687, Mr. Hancock had abandoned, and what was imported as locomotive inspirators were the old elements, Park's invention and the Hancock invention, patented in 1881, and not the subject matter of patent No. 7,011. As to the stationary inspirators, the shipments made to Fairbanks, after the legal delay, were of few articles, very nearly all "locomotive injectors," and were, moreover, made for the purpose of creating a market. The "stationary inspirators" are made in fifteen different sizes at least, requiring for each size special expensive tools. The shipments to Stevens, Turner & Burns, consisted of certain parts, particularly jets and barrels, made to help the manufacture of the article in Canada, inasmuch as neither these licensees nor any other person were willing to undertake the manufacture of such parts. As to the shipments made to Betton, they consisted of a number of parts which had to be worked, combined and adjusted, in order to construct a number of stationary inspirators. The respondents submit that the importation of these parts cannot entail forfeiture of Patent No. 7,011; inasmuch as the parts are old and well known elements, requiring to be com-

bined, coupled and adjusted, to become the invention of the said patentee: inasmuch as they could be used for the separate instruments known as ejector and injector; inasmuch as, all the time, Morrison was manufacturing all sizes of stationary inspirators, as did also Stevens, Turner & Burns; inasmuch as respondents never intended to injure the manufacturing interest of Canada, as is shown by their undertaking to purchase 500 of the patented articles from Morrison; inasmuch as, all through, they acted in good faith under legal advice, believing themselves to be within the purview of the law.

Mr. TACHÉ, Deputy Minister:—In this case the question of importation is the only one which really appears to be involved. There is no proof that at any time the patentees have refused to sell or license their invention; far from it, they seem to have always been anxious that its manufacture should be carried on by somebody in Canada, under license or on payment of a fair royalty, at the same time that they have shown themselves determined to push the sale of their patented articles, even to the alternative of supplying the Canadian markets by importation. The injury to home labor, in this case, comes not under the head of non-manufacture, but under the title of importation, because to the extent that imported articles have been introduced in Canada, to that extent the manufacturing industry of the country has been deprived of the advantages intended to be secured by the 28th section. It is not necessary to sift the technical question as to whether the locomotive inspirators imported were the inventions of Hancock's patents No. 12,934 and No. 13,087, which the patentee has forsaken, or some other invention, and not the invention of patent No. 7,011, the subject matter of the dispute, for the reason that the importation of the stationary inspirators, about which there could not be any such problem raised, is of sufficient importance to decide the fate of this dispute. Patent No. 7,011 was granted on the 24th January, 1877; therefore, the year during which the importation of the invention was allowed by law expired with the 24th day of January, 1878. It is clearly proved that the importation did continue after

the latter day, till within about two years of the present contest. At times the importation consisted of the article brought in its complete state, in small numbers; at times it consisted of the articles introduced in parts, in some instances all the parts to be simply put up in Canada, in other instances of only some of the parts; the aggregate of such importations amounting, so far as the evidence goes, in number to many hundreds of the patented apparatus, in value to many thousand dollars worth. It is argued that inasmuch as the patent covers an invention which consists of a new combination of old elements, the importation of the elements in their separate state is not the importation of the invention. This is opposed to the very nature of things, as admitted in all countries in matters of patents.

A new combination of known elements is an invention to all intents and purposes, and as such is patentable, and confers on the person having devised such new combination the rights and privileges of an inventor, even if the novelty consisted in a trifling mechanical change, provided, in the latter case, some economical or other result is produced somewhat different from what was obtained before. The combination then is the invention, and, when patented, is the essence of the patent; it must be taken as a whole, not the elements as several things to be separately discussed, and the combination another thing, but the elements as combined, one thing, to stand with all the privileges conceded by law, and, reciprocally, with all the obligations imposed on all patentees. The manufacture of a combination is the producing of the elements as combined, in the sense applied to the word manufacture; the importation of the combination is the introduction of the elements as combined, to perform the functions described in the patent and in the manner described, totally irrespective of the existence of other combinations of the same elements, whether patented or not patented. Consequently, if Nicholson's ejector of 1806, now of the public domain, if Giffard's injector of 1858, also now public, if Hancock's apparatus of 1869 or of 1881, are imported, to be used as such, they do not affect patent No. 7,011; but if the elements made use of in

these mechanisms are imported as constituents of the combination secured by the said patent, and to be used as such, this importation is the importation of the patented article; because, in the same way that a new combination of known elements is entitled to the protection granted by a patent, in the same way it is subject to the conditions to which all patents are subjected. The counsel for the respondents invokes, in support of his contention, a celebrated judgment of the Court of Appeal in France, referred to in the decision of the case *Barter v. Smith*,\* but it does not apply, *in specie*, to the present case. This judgment, on the strength of its being a *bien jugé*, has become a part of universal jurisprudence. The French patent, in the case, *Wartick v. Pecquet*, was not for a new combination of known mechanical elements at all; it was for a new article of manufacture, an artificial combustible made in the shape of bricks (*briquettes*), for the manufacture of which a well known machinery, described in the specification, was applied. The patentee had introduced in France a few samples of the patented article, amounting to a trifling value, and the essential parts of the machinery to proceed with the manufacture of his *briquettes*. The courts, in the first instance, mistaking the nature of the invention and otherwise misconstruing the whole affair, had decided that the patent had become voided on account of importation after the expiration of the delay granted by the law; an appeal was interjected, and the judgment in the first instance was quashed, the superior tribunal deciding that the importation of a few articles patented as samples was no importation in the meaning of the law, and that the importation of the machinery to manufacture the patented article cannot affect the patent; in the translated words of Dalloz, commenting on that decision—"the machines introduced from the outside, not being guaranteed by the patent, the exigencies of the law are foreign to them." In the present case the importation of the invention itself lasted for several years of the existence of the patent, till a comparatively recent date, covered a large number of the patented articles, and

\* 8 Leg. News, 202, 210.

amounted in the aggregate to a large sum, many thousands of dollars. "It seems hard," says the counsel of respondent, "after the company trying so many years to introduce this invention into the country, that the patent should be set aside." It is, undoubtedly, very hard; if it were a matter of sympathy or of sentiment, in all probability the patentee would continue to enjoy the privileges to which inventors are so well entitled; but it is a matter of the fulfilment of obligations and administration of the law, in a case where no legitimate doubt can come to the rescue of the patent.

As regards that part of the petition of the disputant which asks for costs, the answer is that there is no awarding of costs to parties coming before this tribunal. Therefore, John Theobald Hancock's patent, No. 7,011, for an "Inspirator," has become null and void under provision of section 28 of the Patent Act of 1872.

*Robertson, Ritchie, Fleet & Falconer* for the disputants.

*Abbott, Tait & Abbotts* for the respondents.

#### DIVULGING A CLIENT'S NAME.

Cases upon privileged communications to solicitors are not numerous, and the subject is one upon which confusion of mind is not uncommon; so that when a case like *Bursill v. Tanner*, 55 Law J. Rep. Q. B. 53—reported in the January number of the *Law Journal Reports*—occurs, it is as well to draw attention to it, especially as it deals with the problem, now frequent even in the Queen's Bench Division, how to get at the property of a married woman by way of execution for her debt. The plaintiff in the action had recovered judgment against the defendant, a married woman, for a debt, and the usual inquiry had been ordered as to the separate estate of the defendant. Upon the inquiry a solicitor appeared, having been summoned to produce the deed of settlement made upon the defendant's marriage. When called he admitted that the settlement was in his possession as solicitor to the trustees of it, but he declined to produce it. He was then asked the names of the trustees, but he declined to give them on the ground that the communication was privileged. A sum-

mons was taken out under Order XXXVII, rule 13, for an order directing him to give the trustees' names and to produce the settlement. The judge at chambers made the order, and the Divisional Court affirmed it, whereupon the solicitor appealed to the Court of Appeal. The facts supporting the privilege were those stated only, and it was necessary for the solicitor to contend that in the ordinary case of a retainer of a solicitor by a client the name of the client was a privileged communication, and that a deed of settlement entrusted in the ordinary way by the trustees to their solicitor is a privileged document which the solicitor cannot be made to disclose. If this were so, it is obvious that the difficulty already experienced in getting at the separate property of a married woman would be largely increased. It may not be always possible to serve a subpoena on the married woman herself, and even where this is possible, it is a much more convenient and rapid way of getting at the truth to obtain the settlement itself from the solicitor of the trustees.

The Master of the Rolls, in giving judgment against the claim of privilege, said:—"The mere fact that certain persons are the clients of a solicitor does not fall within the rule of law as to confidential communications between a client and his solicitor. It does not form part of the confidence reposed by a client in his solicitor." The learned judge does not mean to say that under no circumstances would the name of a client fall within the rule protecting confidential communications. What he means is that the mere fact that a client has retained a solicitor does not make the name of the client a confidential communication. Circumstances might, however, easily arise in which the name of the client might be a confidential communication. Suppose, for example, it was important to show the presence of a certain person at a certain place at a particular hour, and this person was suspected of having entered a solicitor's office at the time in question. If the client had come to the solicitor and told him that he required his advice, but that it was of importance to him that his presence where he was should not be known, and if this necessity was supported by the facts, the



solicitor could not be called upon to disclose his name. Similarly, suppose a client in hiding out of the country on a criminal charge, the solicitor would not be bound to disclose his whereabouts. The distinction is that in such cases the communication is *sub sigillo confessionis*, as admirably pointed out by Lord Justice James in *Ex parte Campbell, re Cathcart*, L. R. 5 Chanc. (App.) 703, in which the question was whether a solicitor was bound in bankruptcy proceedings to disclose the residence of his client, the father of the bankrupt. In deciding that he was, Lord Justice James adds:—"If, indeed, the gentleman's residence had been concealed; if he was in hiding for some reason or other, and the solicitor had said: "I only know my client's residence because he has communicated it to me confidentially as his solicitor, for the purpose of being advised by me, and he has not communicated it to the rest of the world," then the client's residence would have been a matter of professional confidence; but the statement by the solicitor that he knows the residence only in consequence of his professional employment is not sufficient." This view has been sustained by the case of *March v. Keith*, 30 Law J. Rep. Chanc. 127, in which Vice-Chancellor Kindersley declined to allow privilege to knowledge acquired "by virtue of the witness's employment as the solicitor of a client," the knowledge not having been acquired as a confidential communication. In the same way, documents delivered to a solicitor affecting the title to an estate with a view to its being sold must be disclosed by him. In *Doe v. Hertford*, 19 Law J. Rep. Q. B. 526, the solicitor of a former owner of an advowson was compelled in an action of ejectment in respect of a parson's glebe to disclose a map given to him by his client with a view to the sale of the advowson. Similarly, an abstract of title in the hands of the solicitor of a person who had negotiated for an exchange was held not privileged (*Egremont v. Langdon*, 31 Law J. Rep. Q. B. 17).

With regard to the production of the deed, if the deed had been a title-deed the solicitor might have declined to produce it, and the judge could not look at the deed to satisfy himself (*Volant v. Soyer*, 22 Law J. Rep. C. P.

83). It was impossible, however, to say that this deed was a title-deed in the sense which gives those documents a privilege. On this point, Lord Justice Lindley says:—"The judgment creditor in whose favor an inquiry has been directed as to the separate property possessed by the defendant was entitled to see the deed of settlement." The point that in asking for the name of the trustees the contents of a written document were asked for was easily disposed of by the Court of Appeal. The witness would be stating a fact which was evidenced otherwise than by the deed itself. A slight alteration in the form of the question would surmount the difficulty suggested. To ask who the trustees were was the most direct way of putting the question, but roundabout questions might be framed which even in appearance would not seem to conflict with the legal rule in question. The privilege of clients not to have communications confidentially made to their legal advisers disclosed is very valuable; but it must not be extended beyond the absolute necessities of the case, otherwise the interests of truth and justice to others might suffer.—*Law Journal* (London).

#### CRIMINAL LAW IN THE TWELFTH CENTURY.

While Prof. Dwight is giving some account of the Year Books, it may be of interest to get a glimpse of the Criminal Law and Procedure of still earlier times. Some time in the reign of Henry II (1154-1189), just when is not stated, an interesting case of one Ailward transpired. It is given in Latin, in a record of the time, or nearly so, of which the following is a free translation. For the record itself, see my *Placita Anglo-Normannica*, p. 260.

A neighbor of Ailward owed him a penny, of what kind is not stated. Payment was demanded, and, being refused, Ailward went to the house of the debtor in anger, while the debtor was at an inn, and finding it locked, broke and entered. There he found and seized several articles of small value, and carried them off in pledge for the debt. Boys playing in the house report the fact to the debtor, who thereupon makes pursuit and catches the high-handed creditor, hitting him on the head with a stone snatched from the hand of a laborer. (Here we have the

old "hue and cry" and turnout of the neighborhood, anyone having the right to bring down the fleeing thief). The debtor, drawing a knife, stabs Ailward in the arm, binds him as a "thief manifest," and takes him back to the house which he had broken open. A crowd collects, among the number a public summoner or prosecutor named Fulc. This knave, in view of the fact that the things taken were of too small value for a judgment of mutilation, craftily suggests the adding of other things to the theft. This is agreed, and a pack containing skins, a mantle, linen and other things, is put upon Ailward. Next day the prisoner is led forth, with his pack on his back, to receive judgment.

Matters by this time, however, had gone rather far; and it was thought best not to be in haste about passing sentence "de re dubia." Judgment was accordingly deferred for a month, the prisoner remaining in custody. (This, it should be noticed, is a picture of the law which permitted summary punishment, without full and formal trial, in the case of thieves taken in the act.)

Later the prisoner was led to another town, where magistrates had assembled, for trial. He now demands battle with Fulc, or the ordeal of fire. But with the assent of Fulc, who had accepted the bribe of an ox, Ailward is adjudged to undergo the ordeal of water. A month later, having failed in an ordeal which had been so arranged that escape from conviction was impossible, the unfortunate man is led forth to receive final sentence of mutilation, which is duly executed; "oculis effossis et virilibus abscisis mutilatus est, quae multitudine vidente plebis terrae infossa sunt."

The conduct of Fulc in this affair reminds one of the speech of the Summoner, in the *Canterbury Tales* of the next century; from which it appears that that officer was still true, in Chaucer's day, to the old traditions.

"Now, certes," quod this somonour, "so fare I;  
I spare nat to taken, God it woot,  
But if it be to hevy or to hoot,  
What I may gete in conseil prively:  
No maner conscience of that have I;  
Nere [but for] myn extorcioyn I myghte nat lyven,  
Nor of swiche japes [such tricks] wol I nat be shryven.  
Stomak, ne conscience, ne knowe I noon;  
I shrewe [cursel] these shrifte-faders everychoon."

—*Can. Tales. ll. 11476 et seq.*

Melville M. Bigelow, in *Columbia Jurist*,

## INSOLVENT NOTICES, ETC.

(Quebec Official Gazette, Feb. 6.)

### Judicial Abandonments.

Charles E. Kennedy and Saval Girard (Kennedy & Girard), tinsmiths, Sherbrooke. Jan. 29.  
Mulligan & Moore, district of Ottawa. Jan. 27.  
J. Bte. Pagnuelo, trader, St. Hyacinthe. Feb. 3.  
Dame Marie Caroline Duval, "J. O. Norman & Cie.," Montreal. Jan. 29.  
Louis Gonzague Renouf, wheelright, Trois-Pistoles. Jan. 25.

### Curators Appointed.

Joseph Perrier, Montreal.—Kent & Turcotte, Montreal, joint curator. Feb. 2.  
N. Lavoie & Cie., joiners and contractors, Levis.—Henry A. Bédard, Quebec, curator. Feb. 2.  
Dame Eugénie Demers, marchande publique, Chambly Basin.—Angus McKay, Montreal, curator. Jan. 27.

### Dividend Sheets.

Re D. H. Rochon, district of Bedford. First div. sheet open to objection until Feb. 23.—Kent & Turcotte, Montreal, curator.  
Re Pierre Déry, Quebec. First and final div. sheet open to objection until Feb. 22.—Ed. Begin, Quebec, curator.  
Re Henri Lavallé, Montreal. First and final div. sheet open to objection until Feb. 15.—C. Desmarteau, Montreal, curator.  
Re Joseph T. Denis, Montreal.—First div. sheet open to objection until Feb. 18.—L. P. Bruneau, Montreal, curator.

### Actions en séparation de biens.

Dame Corinne Collin vs. Charles Normandin, hotel-keeper, Longueuil. Feb. 1.  
Dame Marie Mathilde Nobert vs. Maxime Plante, trader, Brompton. Feb. 2.  
Dame Philomène Trudeau vs. Anselme Plamondon, trader, St. Marcel. Feb. 2.  
Dame Mary Ann Lafond vs. Athanase Douville, trader, St. Casimir. Feb. 3.

## GENERAL NOTES.

**METAPHORS.**—In *Vickers v. The Atlantic, &c. Railway Company* (64 Ga. 306), the Supreme Court of Georgia said: "A nonsuit is a process of legal mechanics. The case is chopped off, and only in a clear gross case is this mechanical treatment proper. Where there is any doubt, another method is to be used—a method involving a sort of mental chemistry; and the chemists of the law are the jury. They are supposed to be able to examine every molecule of evidence and to feel every shock and tremor of its probative force."

**LAW BOOKS IN 1885.**—The production of law books showed a decrease last year, although there was an increase over the production of 1883. One hundred and fifty-one books were reviewed in these columns last year, of which sixty-nine were new editions, and eighty-two new books. In 1884 one hundred and seventy-two were reviewed, and in 1883 one hundred and forty-four. The decrease is mainly due to the fact that the Session of 1885 was not prolific in legislation, while the contrary was the case in 1884.—*Law Journal*, (London).

A Russian journal gives an account of a curious lawsuit. A rich lady, at her death, placed her pet dog Gypsy in the hands of a friend, with the request to provide for her with the annual interest on a thousand rubles, set aside for that purpose in her testament. The other day Gypsy died, and the lady who had charge of her took it for granted that the money was now her own. Another lady, however, appeared on the scene, who owned a son of Gypsy's, and claimed that her dog was heir to the income of the thousand rubles, since nothing was said in the testament regarding the disposal of this money after the death of Gypsy.

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