The Legal News.

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For some time past there has been a good deal of grumbling and dissatisfaction in some legal circles in England, in consequence of the failure of law students, and even of barristers, to obtain admission to rooms in the Royal Courts where important trials were in progress, the excuse being that the Court room was full. The matter has become so prominent that it has elicited the following observations from Sir James Hannen, president of the Probate Division:—"I wish to say a word or two on a matter that has been pressed upon my attention. There is, of course, very great difficulty in making arrangements during the hearing of an important case like this for those who desire access to the court. I never found any real difficulty during all the years I have sat on the bench in satisfactorily dealing with such matters until I came into these buildings. It is now the constant subject of complaint, and I will therefore state, for the information of the public, the directions I have given as to the admission of the public to this court. They are very simple. This is a public court, admission to which the public are entitled to, provided there is accommodation. I have stated over and over again that while there is sitting accommodation, barristers and others are entitled to admission as a right. A person of whom I know nothing applied to me as a student for permission to be in the court. I informed him of the regulations I had laid down, and I am now told that he has been refused admission. To refuse him admission was an illegal act. I am informed that this person has misconducted himself. That must be the subject of enquiry elsewhere; but whoever refused him admission to this court while there was room, when he had my order, was guilty of an illegal act."

In our last issue, in a reference to the case of *Reg.* v. *Macdonald*, an error occurred which it is well to correct at once to avoid misapprehension. The paragraph should have read, "A case bearing a slight resemblance to the knotty cabman's case," &c. In the cabman's case, the title of which is *Reg.* v. *Ashwell*, a cabman received a half sovereign which the giver as well as the taker supposed to be a shilling, and afterwards, when the real value of the coin was known, the cabman retained it. In *Reg.* v. *Macdonald* the question was whether a minor who had purported to enter into a contract for the hiring and purchase of furniture, and who had sold it before he had paid all the instalments, could be convicted of larceny. Another question of larceny has just been decided by the Supreme Court of Illinois in *Stoker* v. *People*. The question was whether a constable who collects money on an execution, and fails to pay the same to the party entitled thereto, is guilty of larceny. The Court held in the negative. This decision, however, turned mainly upon Sect. 76 of the Criminal Code of the State.

The Insolvency bill submitted to the Dominion Parliament is one of the measures the consideration of which, owing to the length of the Session and the pressure of other business, has necessarily been deferred.

Mr. Christopher Robinson, Q. C., who has been connected with the work of law reporting in Ontario since the year 1852, and who has filled the position of editor-in-chief of the Law Reports since 1872, has just retired from that position, and has been succeeded by Mr. James F. Smith.

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*SUPERIOR COURT—MONTREAL.**

Judicatum solvi—Opposition—Contestation de l'opposition.—Jugé:—Que c'est seulement celui qui porte, intente ou poursuit une instance ou procès qui est tenu de fournir le cautionnement *judicatum solvi*, et tel est un opposant afin de distraire; que la partie qui conteste une opposition ne faisant qu'exercer les droits de son débiteur pour résister à l'opposition,

* To appear in full in Montreal Law Reports, 1 S.C.

se trouve dans le cas du défendeur dans une saisie-revendication, et par conséquent, ne doit pas le dit cautionnement..

Definitio : L'instance est la série des actes d'une procédure judiciaire ayant pour objet de saisir le tribunal d'une contestation, d'instruire la cause et d'obtenir finalement le jugement qui doit vider le débat. (En Révision)—*Park* v. *Rivard*, et *Meloche*, oppte.

Terrain enclavé—Passage — Servitude—Chemin de tolérance—Article 540 *C. C.—Jugé :*— Que pour qu'un terrain soit consideré enclavé dans le sens de l'article 540 du Code Civil, il faut qu'il n'ait aucune issue quelconque sur la voie publique, et qu'un simple chemin de tolérance non contestée est suffisant pour empêcher le propriétaire du terrain de réclamer un passage de ses voisins. (En Révision)—*Mainville* v. *Legault.*

Rapport d'expert—Assermentation de l'expert —Amendement du Rapport—Homologation.— Jugé :—Que lorsque le *jurat* constatant l'assermentation préalable de l'expert n'a pas été annexé à son rapport et qu'il est perdu, le rapport peut être amendé, avec la permission du tribunal, de manière à permettre à l'expert d'y ajouter son affidavit établissant qu'il a été dûment assermenté avant d'agir.— *Silcot* v. *Papineau dit Montigny, et Rielle*, mis en cause.

Cité de Montréal—Canaux d'égouts—Entretien— Dommages — Responsabilité —Discrétion. Jugé :—Que lorsque la Cité de Montréal est en possession de canaux d'égoûts, quand même ces égoûts n'auraient pas été construits par elle-même, elle est tenue en loi de les entretenir en bon état, et elle est responsable des dommages que peut causer leur mauvais état à ceux qui s'en servent ; en cela ses pouvoirs ne sont pas législatifs et elle ne peut prétendre qu'elle n'est tenue à cet entretien que suivant ses ressources pécuniaires et qu'il est laissé à sa discrétion.—*Leduc* v. *La Cité de Montréal.*

Bornage—Propriété déjà bornée—Respect aux juges.—Jugé :—Que lorsqu'une propriété a déjà été bornée, à frais communs et du consentement des deux parties, lesquelles ont signé le procès-verbal, l'une de ces parties ne pourra demander à son voisin un nouveau bornage sans alléguer des raisons sérieuses montrant l'insuffisance ou l'irrégularité du premier.

—Jugement réformé quant aux frais, excepté ceux de factum qui a été rejeté du dossier parce qu'il contenait des observations irrespectueuses à l'égard du juge de première instance. (En Révision)—*Nadeau* v. *St. Jacques.*

Dommages — Détails — Accidents — Examen préliminaire de la personne blessée.—Jugé :— 1o. Que dans une action pour dommages causés par un cheval qui avait pris le mors aux dents, le défendeur, propriétaire du cheval, a le droit, avant de plaider, d'exiger du demandeur le détail des dommages réels qu'il réclame, *bill of particulars.*

2o. Que dans une action de cette nature le défendeur, avant de plaider, peut obtenir de la Cour la nomination d'un ou de plusieurs médecins pour constater la gravité des blessures reçues et quels dommages il en résultera à la demanderesse.—*Lemieux* v. *Phelps.*

Capias — Cautionnement — Femme non sous puissance de mari.—Jugé : — Qu'une femme majeure et non sous puissance de mari peut légalement être offerte comme caution judiciaire.—*Slessor et al.* v. *Désilets.*

Offres réelles—Consignation—Animal errant mis en fourrière—Réponse spéciale—Réplique en droit.—Jugé :— 1o. Que lorsqu'un animal trouvé errant est mis en fourrière, le propriétaire de cet animal ne peut le réclamer sans avoir préalablement offert de payer l'amende et les dommages encourus, et sans renouveler les offres et consigner l'argent en Cour, s'il procède à la saisie-revendication.

2o. Que des offres réelles suivies de consignation faites avec une réponse spéciale à un plaidoyer, n'ont aucun effet et ne peuvent être prises en considération par la Cour, lorsque cette réponse spéciale a été renvoyée sur réplique en droit.—*Brosseau* v. *Brosseau.*

Acte électoral de Québec—Liste des électeurs— Qualification — Rôle d'évaluation. — Jugé : — 1o. Que la qualification exigée par les sections 8 et 9 de l'Acte électoral de Québec pour

être électeur doit exister de fait au moment de la confection de la liste, et qu'il ne suffit pas qu'elle paraisse au rôle d'évaluation, ce dernier ne servant qu'à constater la valeur des biens-fonds.

2o. Que lorsqu'un électeur a été par erreur mis sur la liste électorale sous une qualité qu'il n'a pas, mais que tout de même, au moment de la confection de la liste, il était réellement qualifié d'une autre manière, son nom ne doit pas être retranché de la liste des électeurs.—*Filiatrault* v. *La Corporation de la Paroisse de St. Zotique.*

Saisie-revendication — Description —Amendement—Exception à la forme.—Jugé:—Que dans une saisie-revendication, le demandeur peut régulièrement, avec la permission de la Cour obtenue sur requête, amender la description des effets saisis même avant le jour du retour de l'action, en en donnant avis aux autres parties.—*Legru* v. *Dufresne*, et *Ryan, mis en cause.*

Curatelle et tutelle —Aubain—Naturalisation. —Jugé:—Qu'un aubain ne peut être nommé tuteur ou curateur, et que, dans l'intérêt de l'interdit, il ne pourra se faire nommer à cette charge en se faisant pendant l'instance naturaliser sujet anglais, si son intention n'est que de demeurer temporairement dans le pays.—*Driscoll* v. *O'Rourke.*

Jugement de distribution — Homologation — Contestation—Article 751 *C. P. C.—Jugé:*—Que l'article 751 du Code de Procédure Civile, qui permet de contester un jugement de distribution même après son homologation, doit être interprété strictement; qu'il ne s'applique qu'au cas où la somme colloquée n'est pas dûe, mais non à celui où des questions seulement de privilége ou de droit de préférence peuvent être soulevées—*Petit dit Lalumière* v. *Crevier, et Desjardins*, créancier colloqué.

Compagnie de chemin de fer—Responsabilité —Incendie—Précautions—Jugé:—Qu'une compagnie de chemin de fer est responsable des dommages qu'elle cause, lorsque les étincelles qui sortent d'une des locomotives qu'elle emploie pour faire tirer ses wagons mettent le feu à un bâtiment près duquel il passe, et cela quand même la compagnie aurait pris toutes les mesures de garantie fournies par la science actuelle.—*Jodoin* v. *La Compagnie du Chemin de Fer du Sud-Est.*

Tierce-opposition—Exécution—Dépôt en Cour. —Jugé: — Qu'une tierce-opposition ne suspend pas l'exécution d'un jugement, et qu'un tiers-saisi, la tierce-opposition étant pendante, ne peut déposer en Cour le montant qu'il a été condamné de payer, mais qu'il doit le remettre au demandeur. — *De Bellefeuille* v. *Ross*, et *Stearns*, T. S.

SUPREME COURT OF CANADA.

Practice—Time for appealing under Supreme Court Act, section 25.—Judgment was pronounced in the Court of Appeal of Ontario on the 30th June, 1884. Vacation begins in that Court on the 1st July, and ends on the 30th August. On the 13th September the respondent (the appeal having been allowed) deposited $500 as security for the costs of an appeal to the Supreme Court of Canada, and applied for leave to appeal. The Court of Appeal was of opinion that the security, not having been deposited within thirty days of the pronouncing of the judgment, was given too late, as the vacation did not interrupt the running of the time allowed by the statute (Sup. & Ex. Ct. Act., s. 25) for appealing.

The judgment of the Court of Appeal was not entered until Nov. 14, 1884, the delay being occasioned by a substantial question affecting the rights of the parties having arisen on the settlement of the minutes. This question was discussed before one of the Judges and subsequently before the full Court before being finally determined.

On the 27th November, 1884, the respondent in the Court of Appeal applied to the Judge of the Supreme Court of Canada, in Chambers, for leave to give security under sect. 31 of the Supreme Court Act, as amended by sect. 14 of the Supreme Court Amendment Act of 1879. This application was referred to the full Court which

Held, that the time for bringing the appeal in this cause under s. 25 of the Supreme Court Act began to run from Nov. 14, 1884, date of *entry* of the judgment of the Court of Appeal.

That where any substantial matter remains to be determined before the judgment can be entered, the time for appealing runs from the *entry* of the judgment. Where nothing remains to be settled, as, for instance, in the case of the simple dismissal of a bill, or where no judgment requires to be entered, the time for appealing runs from the pronouncing of the judgment.

In appeals from the Province of Quebec, the time for appealing runs in every case from the pronouncing of the judgment, owing to the form of procedure in that Province.—Application allowed.—*O'Sullivan* v. *Harty*.

Dominion Elections Act, 1874.—*Wager by Agent with voter — Corrupt practices.* — The charge upon which this appeal was decided was known as the Pringle-Parker case.—Pringle, the President of the Conservative Association, made a bet of $5 with one Parker, a Liberal, that he would vote against the Conservative party, and deposited with a stakeholder the $5, which after the election were paid over to Parker.

At the trial Pringle denied that he was actuated by any intention to influence the conduct of the voter, and Parker said he had formed the resolution not to vote before he made his bet; but the evidence showed that he did not think lightly of the sum which he was to receive in the event of his not voting, his answer to one question put to him being: "Oh! I don't know that $5 would be an insult to any person not to vote."

Held, reversing the judgment of the Court below, that the bet in question was colorable bribery within the enactments of sub-sect. 1 of sect. 92 of the Dominion Elections Act, 1874, and a corrupt practice which voided the election.—*West Northumberland Election Case.*

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*RECENT DECISIONS IN ONTARIO.**

Incorporated Company—Directors of Company—Stockholders.—B., one of the defendants, a director of the defendant company, personally owned a vessel "The United Empire," valued by him at $150,000; and was possessed of the majority of the shares of the Company, some of which he assigned to others of the defendants in such numbers as qualified them for the position of directors of the Company, the duties of which they discharged. Upon a proposed sale and purchase by the Company of the vessel "The United Empire" the board of directors, including B., adopted a resolution approving of the purchase of the vessel by the Company; and subsequently, at a general meeting of the shareholders, including those to whom B. had transferred portions of the stock, a like resolution was passed, the plaintiff alone dissenting.

Held, reversing the judgment of the Court below (6 O. R. 300), that although the purchase on the resolution of the directors alone might have been avoided, the resolution of the shareholders validated the transaction, and that there is not any principle of equity to prevent B. in such a case from exercising his rights as a shareholder as fully as other members of the Company.—Court of Appeal. *Beatty* v. *North West Transportation Co.*

Sale by sample.—The defendants bought by sample from W., who acted as a broker between them and the plaintiff, a quantity of cotton droppings or waste, to be delivered f.o.b. at St. Catharines, and by the directions of the defendants the same were forwarded to their branch house at Cincinnati, where it was alleged they were found to be not equal to the sample. In the meantime, however, the defendants had accepted a bill drawn on them by the plaintiff for the price of the waste.

Held, affirming the judgment below, that the proper place to have inspected the goods was at St. Catharines, and that even if the goods were not up to sample, it formed no ground of defence to the action on the bill. Court of Appeal.—*Towers* v. *Dominion Iron Co.*

Railway Act, 1879 — *Express Company — 'Facilities.'*—In an action by an express company against a railway company to compel the defendants to afford the plaintiffs the same 'facilities' that they did to another express company, alleging that the right to employ the station agents of the railway company as agents of the express company was such a 'facility,' and had been refused

* 21 C.L.J.

to the plaintiffs, although granted to the other express company,

Held, that such right was a 'facility,' and that the Canada Railway Act of 1879, s. 60, ss. 3, provides any facilities granted to one incorporated express company shall be granted to others.

Held, also, that the plaintiffs could not compel the defendants to give the use of their agents, but if the defendants allow the agents to act for one company, it is a 'facility' that cannot be denied to the other company. (The action was, however, dismissed on the ground that the other express company had not been made a party, but without costs.) Chancery Division.—*Vickers Express Co.* v. *Canadian Pacific Railway Co.*

COURT OF QUEEN'S BENCH.

[Crown Side.]

MONTREAL, June 16-17, 1885.

Before DORION, C.J.

REGINA v. EDWARD HOLLIS.

Abduction—Evidence—Interference with witness on way to Court—Taking out of possession of guardian.

HELD.—1. *On a trial for taking an unmarried girl under the age of sixteen out of the possession of her guardian, that evidence of cruel treatment of the girl by the guardian is inadmissible.*

2. *That interference with a witness on the way to Court to give evidence, in order to prevent the evidence of such witness being given, is a contempt of Court.*

3. *That secondary evidence of the age of the child abducted may be permitted to go to the jury.*

4. *That where a child was taken, from motives of benevolence, from a barn where she had sought refuge, the barn not being on the property or premises of the guardian, and was then placed by the persons who had come to her relief in the charge of defendant as secretary of a society for the protection of women and children, the secretary was not guilty of taking out of the possession of the guardian.*

The defendant, who is the Secretary of a Society for the Protection of Women and Children, was charged with unlawfully taking Henrietta Elliott, an unmarried girl under sixteen years, out of the possession and against the will of Mrs. Duffy, the person having the lawful care and charge of her.

Mrs. Duffy, who was the first witness, testified that the child, Henrietta Elliott, was 15 years of age on the third of September last, had been given in charge of witness by her grand-father and uncle, and on the 23rd May last disappeared. In June saw Mr. Hollis, who said he did not know where the child was, but that he could find out. The child was a very bad girl, used to steal money and get drunk.

Cross-examined, she denied that she had ill-used the child. Had chastised her often but not severely. On the day she left, witness had accused her of stealing 20 cents. She was questioned concerning several specific acts of cruelty to the child, and denied them emphatically.

Charles Foster, grand-uncle of the child, was the next witness. When in England he had told the father and the mother of the child that he had promised Mrs. Duffy to bring her out a child. The father, pointing to Henrietta, said to witness, "You may take her that one."

William Duffy had been married for three years. His wife, formerly Mrs. Redman, had the child before her second marriage.

Mrs. Brennan deposed that last June, in Mr. Carsley's store, she had overheard the defendant say to Mr. Carsley, "We have got her at last," or words to that effect, but no names were used. She, however, concluded that reference was made to the case of Henrietta Elliott, for she had heard of her disappearance.

This closed the case for the Crown.

For the defence:—

Susan Wells, wife of Solon Morrison, was called. She had lived in Côte St. Paul, next door to Mrs. Duffy. On Friday, the 23rd of May, 1884, while at dinner, she saw the child Henrietta jump over her fence, and as she had heard that Mrs. Duffy sent her child to listen, she told her daughter to send her away. The child could not be found, however. But on Saturday afternoon, witness' daughter came into the house crying, saying, "I've found Etta and I think she's going to die." The child had been more than twenty-four

hours concealed in witness' barn, whither she had fled and had no food. Witness gave her half-a-loaf and about three pints of milk which she devoured. In the evening she was taken to the house of Mr. Higgins, who was a magistrate, as the child begged to be protected from the Duffys. The child had scars and bumps on her head, and her hair was matted with blood where there was a wound not then healed. Witness often heard the child screaming.

Mrs. Madden said she was a neighbour, and had regularly supplied the child Etta with food. Proceeding to narrate acts of cruelty she had witnessed, the Crown objected.

R. C. Smith, for the defendant, contended that evidence of the cruelty the child had been subjected to, if it could not be offered in justification, was relevant to the question whether the child's leaving Mrs. Duffy's house was voluntary or not, which was distinctly in issue.

C. P. Davidson, Q.C., contra.

The CHIEF JUSTICE disallowed evidence of cruelty to the child.

Joseph John Higgins said Mr. and Mrs. Morrison had brought the child to him, and he had come twice to town to see Mr. Hollis as Secretary of the Society, to ask him to do something for her. On Sunday evening Mr. Hollis drove out after church and took the child to town. Early on Monday morning Mr. Hollis and witness went to see Mr. Desnoyers, the Police Magistrate, and stated all the facts to him. Mr. Desnoyers requested them to bring the child down to him, which they did, and his Honor said he thought, after seeing the marks of violence on the child and hearing her story, that Mr. Hollis should take her to some safe place pending an enquiry as to her legal guardians.

At this stage of the case *Mr. Smith*, addressing the Court, said he had just been informed that while one Sanders, a young man, was bringing the girl, Henrietta Elliott, to the Court House, for the purpose of giving her evidence, he, Sanders, was waylaid by Mr. Duffy and another person. Mr. Duffy had assaulted him by striking him in the face, and had then seized the girl and dragged her into a cab and driven off with her. This fact, he submitted, constituted a contempt of Court.

Sanders being examined as to the facts, the Chief Justice said if an affidavit was offered that the witness, Henrietta Elliott, was essential, he would, if necessary, adjourn the case to give time to procure her. The affidavit was produced.

Mr. Smith called Mr. Duffy and asked him when he had seen the girl last. He replied, "About half an hour ago." The witness further stated that he had taken the girl away from Sanders and given her to a man whom he had never seen before.

The CHIEF JUSTICE, addressing Duffy, said he would allow him one hour in which to produce the girl in the court room.

Mr. *Smith*, pending the search for the child, argued that there was in law no case made out under the statute. There was no legal proof of the age of the child, the guardianship had not been sufficiently proven, and there was absolutely no evidence at all of any "taking out of the possession" of the guardian.

Mr. *Davidson* replied, and the Court directed that a rule for contempt of Court should issue against Duffy to show cause why he should not be sent to gaol. The rule was made returnable at ten o'clock in the morning.

On the following morning the girl, Henrietta Elliott, was present in Court.

As soon as His Honor had taken his seat on the bench Wm. Duffy was called.

The Court (addressing Duffy)—What have you to say regarding the rule which was issued by the Court yesterday?

Mr. Duffy—I did not know I was doing wrong in controlling the actions of the girl in my charge.

The Court—You have been guilty of a grave offence in apprehending this witness when she was required to appear in Court. You knew the child's whereabouts, as has been proved by her appearance here this morning under your charge. You are liable to a severe penalty as a warning to others against tampering with witnessess, but as the Court is not satisfied that you were guilty of wilful contempt, you are only adjudged to pay the costs which were incurred in the issue of this rule, and a further fine of five dollars.

His Honor, giving judgment upon the objections of law, said, three objections had been raised, first, that there was no legal proof of the age of the child. He had intimated yesterday that he was inclined to let the evidence, such as it was, go to the jury. It had been argued that what the mother or father told any one was merely secondary and hearsay evidence. After further consideration he was still of opinion that it should go to jury, though the evidence was certainly very unsatisfactory on this point. As to the second point raised, that the guardianship had not been proved, His Honor thought the evidence had established a sufficient guardianship to bring it under the statute. The third point was that there was no evidence of any facts constituting in law a taking of the child out of the possession of her guardian. Mr. Hollis, as secretary of the Society for the Protection of Women and Children, had brought the child from the house of Mr. Higgins in Côte St. Paul to Montreal. Here he might remark that this Society had no more rights than an individual, and no matter how philanthropic and benevolent its object might be, it had to carry out that object by the means which the law furnished. So that it would be no excuse or justification for Mr. Hollis' act that he acted as Secretary of this Society. But what the evidence showed was that the child had of her own accord left Mrs. Duffy's house and had been found in the hayloft or barn of Mr. Morrison, a neighbour, in a starving condition, protesting that she would not return to Mrs. Duffy. It would have been simply inhuman for Mr. Morrison to turn the child out. He did what was right and benevolent, gave the child some food. The child was taken to Mr. Higgins' house, and he had done no more than a benevolent man ought to have done. She had remained more than twenty-four hours in Morrison's barn and more than twenty-four hours in Mr. Higgins' before Mr. Hollis saw her at all. As to the evidence of ill-treatment, it had been excluded as having nothing to do with the case. On the day following the taking of the child to town, Mr. Hollis had shown his absolute good faith by taking the child before the Police Magistrate. On the whole, His Honor was of opinion that there was no evidence to give the jury of any taking out of the possession, and therefore on the third point raised would direct the jury to acquit the accused.

Owing to the absence of one of the jurors a new jury was sworn in, and under the direction of the Court returned a verdict of "not guilty," and Mr. Hollis was discharged.

Mr. *Davidson* produced a letter from the child's mother urging that she should be returned to England, as she was now well able to take care of her.

The Chief Justice said that he had no jurisdiction to make any order in the case, but that he would hear what the child herself had to say.

The child came forward and said she was between sixteen and seventeen years old now, and that she wanted to go to her mother in England.

The Chief Justice said that all he could do was to advise the child to return home to her mother with her uncle, Mr. Foster, and the case thus terminated.

C. P. Davidson, Q. C., and *E. Guerin* for the prosecution.

R. C. Smith for the defence.

LONDON LETTER.

The uncertainty which has pervaded political circles during the last few weeks has partly communicated itself to the halls of justice, where for many days it was absolute mystery to whom the Queen would entrust her conscience, or who would fill the vacant posts of Attorney and Solicitor General. It was by many, indeed, supposed that the capacious form of Sir William Brett, Master of the Rolls, would occupy the woolsack and marble chair, and his great legal abilities would certainly have been some pledge of his efficiency in that high station, but the elevation of Sir Hardinge Giffard to the post of Chancellor has, on the whole, given satisfaction to the profession and to the public. His appointment, indeed, marks a kind of deviation; for Lord Halsbury, unlike his predecessors, Lord Selbourne, Lord Cairns and Lord Hatherley, has chiefly practised the common law, and his squat figure and genial manners are still very vividly remembered at the old Bailey. As an advocate he had few equals; never was

there a happier combination of the *suaviter in modo* with the *fortiter in re;* and often when he seemed to make a damaging admission he won by his frankness and candour. Of Mr. Webster, the new Attorney General, everybody is glad to speak with praise for his unfailing courtesy and generosity, and his learning and accomplishments. The nomination of Mr. Gorst as solicitor general is, in some respects, unpopular at the bar, because he has for many years given himself wholly to politics; but it will be remarkable in the colonies inasmuch as he held some years ago a responsible post in one of the Australian dependencies.

Another circumstance that will, doubtless, be of interest in the distant parts of the empire, is the elevation of Sir Arthur Hobhouse to the House of Lords. This distinguished man, who is a Barrister of Lincoln's Inn, served many years in India, and since his return has regularly sat as one of the Judicial Committee of the Privy Council.

In speaking of the House of Lords I am reminded of the unusual number of peerages that have lately been called in question. Within a month the honours of Lauderdale, of Lovat and of Aylesford have been contested; of which the second is like a chapter of romance, the last has been already before the public by means of the Divorce Court, and the first is like an ordinary Scottish pedigree inquiry,—long, intricate, and doubtful.

The case of Mr. Louis de Souza, of Lincoln's Inn, was this morning before the Judicial Committee of the Privy Council. This learned gentleman, as your readers are aware, had claimed to be heard as of counsel in Ontario; but the Court of Appeal refused to try his right, refused to record their decision, and ordered the sheriff to turn him out.

Mr. de Souza now appeared in support of his petition to the Queen in Council for special leave to appeal; but the Judicial Committee thought that the case of *Mr. D'Allain* (11 Moo. P. C. 64) was not a precedent for their interference. Mr. de Souza has only this consolation, that he defeated the Law Society of Ontario on the question of their power to exclude him altogether from practice, as they had assumed to do by an ordinance of 1882.

Lincoln's Inn, 4th July, 1885.

GENERAL NOTES.

Governor Rusk, of Wisconsin, recently vetoed a bill providing for the sentence of vagrants for ninety days and confining them to a bread-and-water diet. The governor holds that imprisonment for that period on the diet prescribed would be "cruel and unusual, and thereby violates the constitutional provision which forbids the infliction of cruel and unusual punishment."

An old lawyer in Paris had instructed a very young client of his to weep every time he struck the desk with his hand. Unfortunately the barrister forgot himself and struck the desk at the wrong moment. The client fell to sobbing and crying, "What is the matter with you?" asked the presiding judge. "Well, he told me to cry as often as he struck the table." Here was a nice predicament; but the astute lawyer was equal to the occasion. Addressing the jury he said: "Well, gentlemen, let me ask you how you can reconcile the idea of crime in conjunction with such candor and simplicity? I await your verdict with the most perfect confidence."—*Criminal Law Magazine.*

J. R. Porter, of the State of New York, now famous for his brilliant attainments, when a young man, was assigned by the Court the defence of a man charged with assault in the second degree, to give the accused the best advice he could under the circumstances, and to bring the case to a trial with all convenient speed. Porter immediately retired to an adjacent room to consult with his client, and returned shortly without him. "Where is your client?" demanded the judge, "He has left the place," replied Porter. "What do you mean, Mr. Porter?" "Why your Honor directed me to give him the best advice I could under the circumstances. He told me he was guilty, so I advised him to run for it. He took my advice, as a client ought, opened the window and skedaddled. He is about a mile away now." The audacity of the young barrister deprived the court of the power of speech, and nothing came of the matter.—*Criminal Law Magazine,*

Bankers and business men generally have suffered considerable inconvenience by the delayed payment of drafts and orders presented for payment after the death of the drawer. The Legislature of Massachusetts has just passed a law, by which savings banks can pay for thirty days after the date of the order, and later, if no actual notice of the drawer's demise has been received, and national banks, trust, safe deposits and all other depositories are allowed to pay out for ten days after the drawer's death. This law applies to single-name checks, of course. Henceforth, therefore, the only thing to be considered in taking and depositing such single checks is the drawer's financial standing and character. Hitherto the taker had reason to be afraid that the drawer might die before payment, and if known to the payee, the holder would have to wait one or two years until the estate could be settled, and it might then be proved to be insolvent. Hence a man alone in business had not the same facilities (at least so far as giving out checks in the settlement of accounts) as he who had a partner. The amendment of the law just enacted was certainly called for, and business men will be glad to know that it has been made.—*Boston Traveller.*