The Legal News.

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THE APPEAL TERMS.

Two extraordinary Terms of the Queen's Bench, appeal side, have been fixed for December and February in Montreal. The ordinary Terms are in November, January and March. At the opening of the Court, in Montreal, on the 15th instant, Mr. Justice Ramsay, addressing himself to the members of the bar, said: "I think it necessary to make a statement for the information of the bar, which in some sense is personal to me. The Government of the Province of Quebec has proclaimed two terms of this Court on the civil side, for some periods which are not very well defined; but I take it for granted that the times intended are from the 12th to the 23rd days of December, both days included, and from the 15th to the 27th days of February next, both days included. I don't know at whose suggestion these terms were proclaimed. Their effect will be this, that we are to sit from to-day (15th November) till the end of March next, with no other break of any moment, save from the 24th December to the 14th of January next. It is obvious that this is an impossibility. It leaves no time to deliberate; so, if we could hear cases as continuously as is proposed, we should be unable to decide them. I have endeavored to make these terms useful by arranging to sit four days a week, so as to give us two days a week for deliberation, but that effort has failed. I am, therefore, obliged to take a stand, not only for the protection of my health, but of my reputation. During the last seven years I have represented over and over again to members of the local Government, to members of the House of Assembly, and to others interested, the importance of giving greater facilities for the administration of justice in this Court. Thus full warning has been given of the danger before the accumulation of arrears was as great as it is now. No effectual steps were taken to avoid it, and therefore the fault is not in any way attributable to me, but to the supineness of the local Government. I am most willing to do all I can to facilitate the business of the Court; but it is not part of my duty to attempt what is manifestly impossible. I therefore think it right to inform the bar, at the earliest moment, in order that they may be exposed to as little inconvenience as possible, that I shall not sit during the new term proclaimed for December. I shall at once communicate with the Minister of Justice on the subject, so that there may be no excuse that I have not put the matter in a tangible form."

NEGLIGENCE OF MUNICIPAL CORPORATION.

In our last issue (p. 357) we noted the case of *Beauchemin* v. *Corporation of St. Jean*, in which it was decided by the Court of Review that a municipal corporation may be held responsible in damages for an accident arising from the defective condition of a sidewalk, without it being necessary for the plaintiff to show that the corporation had notice of the defect. This decision appears to overrule a judgment in Review, rendered about twelve years ago, in *McGuire* v. *The Mayor et al., of Montreal*, (No. 1715 S. C., Montreal). In that case the plaintiff demanded damages from the city for a horse killed by their negligence in the care of the streets. On the 13th January, 1869, the plaintiff's man was driving the horse in a sleigh along St. James Street, which was then obstructed by lumps of ice chopped away from the sidewalk and thrown into the middle of the street. The horse broke his leg amid the ice, and was killed. The Superior Court (Mondelet, J.*), held that the Corporation was not liable (31st May, 1871). The judgment was confirmed in Review; Mackay, Torrance, Beaudry, JJ. (Torrance, J., dissenting), 30th Nov., 1871.

The question is one which has occasioned some difficulty in the courts of other countries. In a case decided by the Michigan Supreme Court on the 27th of February of this year, *Dotton* v. *Albion Common Council*, the action was against a municipality for personal injury caused by being thrown down by a defect in a street cross-walk. There was evidence that the walk had become seriously out of order and tottering several weeks prior to the plaintiff's injury, and that there were several defects

*Vide 3 Rev. Leg. 450.

therein. There was no actual notice to the authorities shown, but it appeared that the street commissioners resided in plain sight of the crossing. The Court held that a direction by the trial judge of a verdict for defendant, on the ground that there was no notice of the defect to defendant or to its officers shown, was error. It was not necessary that there should be express notice. If there existed a state of facts with which ignorance was not compatible except upon an assumption of failure to exercise reasonable official care, then there was sufficient ground for presuming notice. So far as the two cases are parallel the decision of the Michigan Supreme Court agrees with the judgment which we reported last week. For the information of those who may be desirous of following up the subject we append the following list of authorities cited:—Dewey v. Detroit, 15 Mich. 307; Requa v. Rochester, 45 N. Y. 127; Johnson v. Milwaukee, 46 Wis. 568; Colby v. Inhabitants of Westbrook, 57 Me. 181; Howe v. Plainfield, 41 N. H. 135; Prindle v. Fletcher, 39 Vt. 255; Manchester v. Hartford, 30 Conn. 118; Donaldson v. City of Boston, 16 Gray, 508; O'Neil v. New Orleans, 30 La. Ann. 220.

Another case which agrees with the above so far as it goes, was decided by the Supreme Court of Rhode Island on the 14th of July of this year, *Bowman* v. *Tripp* (14 Rhode Island Reports). A. and B. were injured by driving into a pile of gravel in a highway, and brought suit against the town in which the highway was situated. The pile of gravel had been accumulating in the highway during an afternoon. To establish the negligence of the town authorities the plaintiff introduced in evidence the police regulations of the town, which made it the duty of the police patrolmen to note and report without delay all obstructions in the street. The Court held that the evidence was properly admitted. Had the police patrol performed its duty the obstruction would have been made innocuous.

MR. VINCENT ON CRIME.

Mr. Howard Vincent, as chairman of the Jurisprudence Department and the Crime Section of the Social Science Congress, on the 5th of October, delivered an address on the causes, results, prevention, detection, and punishment of crime, and the treatment of discharged prisoners. He said that, excluding Ireland, the direct cost of crime in England, Wales, and Scotland was nearly six millions yearly in police, prisons, reformatories, legal proceedings, and the value of property stolen. Magistrates, police, prison officials, &c., numbered 74,000 persons. In 1881 there were apprehended, or cited, 825,657, or nearly one in 36 of the population, but only 94,868 for offences against the person and 122,761 for offences against property, the remaining three-fourths for minor offences. In recent years serious crime had diminished in amount if not in character. In 1882 there were only 101 more convicts than in 1871, notwithstanding the increase of the population by three and a half millions. This was largely attributed to the temperance movement, home missions, Board Schools, reformatories, and industrial schools. For 1880-81, London compared well with Paris, Berlin, and Vienna, Paris having proportionately most murders and robberies with violence, Berlin most forgeries, Vienna most burglaries, and London most larcenies from the person. It was no disparagement to education and temperance to say that the chief factor in prevention was the police. There were advantages in police forces locally independent, and much might be said against general consolidation, but it would be economical and it would facilitate prevention and detection of crime. The English police was the admiration and envy of foreigners; but it might be improved by the establishment of a central constabulary school for the general instruction of young constables. It was difficult to find good men; and they required two or three years' experience of ordinary police duty. The police laboured under greater disadvantages in England than in Scotland or abroad, owing to the facilities for the disposal of stolen property. This was the more serious because the most frequent crime was burglary. In London two-thirds of the robberies were committed in the absence of inmates or through windows and doors being left insecure. The culprit mostly escaped unobserved, and hundreds of receivers were ready to take the stolen property. The stolen goods bill had twice passed the House of Lords and its Select Committees. Sometimes the rapidity of procedure frustrated justice. A case had occurred in which a prisoner was

tried for murder within six weeks of his arrest and was acquitted, the very next day producing overwhelming evidence of guilt. It was generally found that an engraved portrait was more accurate and economical than a photograph. The telegraph was the most useful agent the police could employ. The *Police Gazette* was to be greatly improved next year, and the additional expense borne by the public funds. The press was a power in detection; but when officers were dogged and witnesses interviewed harm was sometimes done. If the identity of a culprit was clear, in an important case, capture was a question of time and money, if portrait, description, and handwriting were widely circulated. This had a moral effect on the person sought which, in more than one case, had caused a man to give himself up. In Great Britain, in about 60 cases out of every 100 the offenders were brought to justice. Of these an average of 75 per cent. were convicted. These results were quite as satisfactory as those obtained in foreign countries. In the metropolitan police district all the criminal business had been under his direction since April, 1871, and every offence against the criminal law was reported at once to him, and he became responsible for all subsequent proceedings. The same course was followed with all correspondence upon criminal business. For the work of detection he had under his control the Criminal Investigation Department, the chief officer of which was Mr. A. F. Williamson, who in the course of thirty years had rendered numerous services to the State. Five-and-twenty inspectors of advanced education, many of them speaking foreign languages, and others skilled draughtsmen or proficients in various accomplishments, served directly under him at Scotland yard. The remaining officers of the department were distributed among the twenty divisions. Every officer kept a detailed diary of his movements. The pay was exceedingly good, ranging from 88*l* to 750*l* a year. With reference to the effect of imprisonment on certain classes of culprits, he said: "In the case of a clerk who embezzles a trifling sum to pay a debt, of the servant who yields to temptation and takes a jewelled ornament to purchase some article of finery or an evening's amusement, of the unfortunate woman driven to conceal the birth of her natural child, would it not be far better if, while justice was vindicated, some means could be found of reforming the character without giving the prison taint? Such a system has been found in Massachusetts, and its success commends it to attention. It consists in releasing persons found guilty, upon probation, when the circumstances of the case appear to justify such a course. Their liberty is conditional upon the honesty of their proceedings, and if their conduct is not satisfactory they can be brought up, and without formality sentenced upon the previous finding. In 1882 about 85 per cent. thus treated have so conducted themselves as to merit approbation, and have been honourably discharged. There would be no difficulty or expense in the introduction of such a system in this country, and placing the probationer under the supervision of the police, who are already afforded sufficient powers under the Prevention of Crimes Acts. No public money is better spent than the 10,000*l* which is annually distributed among discharged prisoners' aid societies by the Government. The Convict office has been instrumental in obtaining upwards of 300 situations for license-holders and supervisees."

NOTES OF CASES.

COURT OF QUEEN'S BENCH.

MONTREAL, October 31, 1883.

DORION, C. J., MONK, RAMSAY, TESSIER & CROSS, JJ.

MUNN et al. (plffs. below), Appellants, & BERGER & SONS (defts. below), Respondents.

Sale—Acceptance—Evidence.

Where it was admitted that there was no writing to establish the alleged contract, questions put to the witness tending to prove an acceptance of the goods by words were properly overruled.

The appeal was from a judgment of the Superior Court, Montreal, dismissing the appellants' action.

The suit in the court below was brought by the appellants, of Harbor grace, Nfld., against Lewis Berger & Sons, a body corporate, of Montreal, for the recovery of $3,094. 71.

It was alleged that in 1880 the appellants, through their agents in Montreal, Lord & Munn, sold to respondents from 500 to 800 barrels of

Munn's steam refined pale seal oil, to arrive, at 57½ cents per gallon cash, less 3 per cent, with the provision that the appellant should have the right to ship 100 to 200 barrels additional to suit the vessel, the respondents to have the option of taking the same. The delivery of the oil was not to be made till 1st August. The appellants alleged that, in accordance with the contract, they shipped 778 casks of oil, which arrived in Montreal 1st July, 1880; that notice was given to the respondents of its arrival, and that Lord & Munn were instructed by respondents through their agents, to store the same, as it was not then required; that shortly after arrival and storage of the oil, the respondents, by their manager, ordered Lord & Munn to sell the oil at 60 cents per gallon; that five barrels were sold at this rate; that respondents then advanced the price to 62¼ cents, but finally they refused to take the oil, and upon such refusal the oil was sold at the current market price, and a loss of $3,094.71 was made.

The difficulty in the case was as to the proof of the sale to the respondents. There being no memorandum in writing in existence, the appellants endeavored to prove by verbal evidence the fact of the acceptance or partial acceptance, and the exercise of acts of ownership by the respondents over the oil so alleged to have been sold. They also endeavored to prove the contract by witnesses, but the presiding Judge was of opinion that the appellants could not prove the contract or the acceptance of the oil without a writing. The action was, therefore, dismissed for want of proof. The present appeal was from that judgment.

The plaintiffs had previously moved unsuccessfully for leave to appeal from the interlocutory rulings excluding verbal evidence; (see 4 Legal News, p. 218, for the report of the judgment on the motion for leave to appeal).

Ramsay, J. On the interlocutory judgment rendered rejecting the evidence in this case, an appeal was asked for, and the questions now raised were then fully argued. The learned counsel for the appellants has put the case very clearly before us, but we see no reason to change our opinion. As the case is fully reported, it is unnecessary for me to repeat what was said in that case. Shortly, however, I may say that if a constructive acceptance or an acceptance by words, takes the case out of the operation of article 1235 (not the Statute of Frauds) then the article is valueless. As was said when the case was before us on the former appeal, one of the questions might be admissible as an introductory question, but as it was admitted that there was no writing to which such a question could be applicable, it was useless, and therefore, properly rejected. We are to confirm with costs.

Judgment confirmed.

Kerr & Carter for Appellants.

Abbott, Tait & Abbotts for Respondents.

SUPERIOR COURT.

MONTREAL, Oct. 31, 1883.

Before JOHNSON, J.

BYRD v. CORNER.

Negligence—Estimation of Damages.

Per Curiam. This is an action of damages for $10,000 by the widow of a man named Macklaier, who is alleged to have been killed on the wharf here, against the master of the steamer Harold which was leaving the port, and in swinging round snapped her stern hawser, breaking both of Macklaier's legs, and so seriously injuring him that he died in consequence, at the General Hospital within two or three days. The case is clearly proved in every particular except one, viz.: the damages, in which, by the nature of things, there can only be proof of facts which may serve as a means of estimating them; and this proof is abundantly before the court. The deceased was a young man of about 33, of excellent conduct, and in perfect health, and leaves a widow and five children who have no means of support. He is proved to have been earning $14 a week—but that was as checker, which I take it only gave him employment about seven months in the year—and I have no evidence as to what he may have been able to earn at other times—though it is not probable that such a man would have earned nothing all winter. I have not entered into details as to the accident, or the particulars of the evidence: it is not necessary. I shall say that from the evidence of the circumstances attending the misfortune, it appears to me an inevitable conclusion of common sense that there is negligence (*culpa*) in the defendant.

If the rope was properly used, and fit for its purpose, it ought not to have snapped. In point of fact it was overstrained: so says Mr. Shaw the portwarden and an experienced man in such matters. The defendant could have done nothing to prevent this. It depended altogether on those who were on board the ship. I find it impossible to point out anything that he did which could in any way have contributed to the accident, unless it be contribution to have been not only innocently, but at the special request of the defendant, exposed to it. From what I have said as to the grounds for estimating the damage it will be seen that I am held to give at least $6,000 which would only yield $360 per annum for the support of a woman, and her five children who must be clothed and educated.—Judgment for $6,000, interest, and costs.

Abbott, Tait & Abbotts for plaintiff.

Laflamme & Co. for Respondent.

COUR SUPÉRIEURE.

DISTRICT DE TERREBONNE, Oct. 1883.

Coram BELANGER, J.

BERTRAND v. LALONDE.

Commissaire d'écoles—Nomination par le Lieutenant Gouverneur en Conseil.

En janvier dernier un jugement rendu devant cette cour déclarait illégale et *absolument nulle* l'élection des commissaires d'écoles, qui avait eu lieu au mois de juillet précédent pour la paroisse de St. Placide. Sur ce jugement le département de l'Instruction publique fut appelé à faire une nouvelle nomination, et sur un rapport du surintendant de l'Instruction publique, le lieutenant-gouverneur en conseil nomma, en mars dernier, M. Gadoury, de Saint-Jacques. Le 15 juin dernier Gadoury fut destitué par le lieutenant-gouverneur en conseil, qui nomma Lalonde, le défendeur actuel, pour le remplacer.

De là la présente action; le requérant demande, par un "Quo Warranto," que la nomination de Lalonde soit déclarée illégale, etc., prétendant que le surintendant de l'Instruction publique avait nommé Gadoury, et que le lieutenant-gouverneur en conseil n'avait pas le droit de le destituer; ajoutant que si toutefois Gadoury avait été nommé par le lieutenant-gouverneur en conseil, cette nomination était illégale et que même dans ce cas, Lalonde devait être déclaré usurpateur du siége, le requérant soutenant que le surintendant seul pouvait faire la nomination.

La cour, adoptant les vues de la défense, a décidé que la nomination de Gadoury avait été légalement faite par le lieutenant-gouverneur en conseil, et que ce dernier avait agi légalement en le destituant pour nommer le défendeur à sa place.

Pagnuelo & St. Jean, pour le requérant.

C. L. Champagne, pour l'opposant.

THE ENGLISH ELECTION LAW.

The new Electoral Corruptions Act begins by defining "corrupt practices." These are "treating," "undue influence," "bribery," and "personation." Under the Act of 1854 only a candidate could be guilty of the offence known as "treating," but now any person who provides or accepts any entertainment with a view to influencing a vote will be guilty of treating. "Undue influence" has also been carefully defined, so as to constitute an offence on the part of any one who uses, or threatens to use, any violence, or who inflicts or threatens to inflict, "any spiritual or temporal injury, damage, harm, or loss upon or against any person in order to induce or compel" him to vote or refrain from voting. The definitions of "bribery" and "personation" are the same as those contained in the A ct of 1854, except that bribery now includes the offer of a place or employment, and personation includes an attempt to vote twice. The punishment of a candidate found, on an election petition, to be personally guilty of a "corrupt practice," is incapacity for ever sitting for the constituency in which he committed the offence, and of sitting at all, or of voting, or of holding a public office for a period of seven years. If a candidate is found guilty of a corrupt practice by his agents he will be incapable of representing the constituency in which the offence was committed for seven years; and any other person convicted on indictment of bribery, treating, or undue influence will be guilty of a misdemeanour, and will become liable to imprisonment, with or without hard labour, for a year, and to a fine of £200. The offence of "personation" constitutes a felony, the punishment for which is imprisonment with hard labour for a period not

exceeding two years; and any person convicted of any corrupt practice will become incapable of voting at any election, of holding any public office, and of sitting in the House of Commons for seven years. From the above it will be seen that while the present Act re-enacts a great deal of old law, it extends the definition of corrupt practices, and makes the punishment for them far more stringent than before.

We next come to what are called "illegal practices." Of these there are several. Thus no payment may be made for carrying voters to the poll, nor for permitting bills to be posted on a wall, nor the use of any committee-room beyond the number limited by the Act; and it is also an illegal practice for a candidate or his agent to incur a greater expense than is allowed by the Act, or to induce any person to vote who is by law prohibited from voting, or to publish knowingly a false announcement that a candidate has withdrawn from a contest. A person may be convicted of an illegal practice on summary conviction, and will thereupon become liable to a penalty of £100, and will be incapable of voting for a period of five years at any election within the county or borough where the offence was committed. Besides "illegal practices," the Act constitutes as illegalities what are described as "illegal payment, employment, and hiring." These, which are new provisions, comprise lending or borrowing any horse or vehicle for the purpose of conveying voters to the poll, except in the case of persons hiring for themselves; procuring the withdrawal of a candidate by payment, or withdrawing in consideration of payment; purchasing or hiring bands, torches, flags, or ribands; and engaging anyone to perform for payment any service not expressly permitted by the Act. To engage a committee-room in any licensed house, or where refreshments are sold and consumed, or in any public elementary school, will also constitute the same offence, to which is attached, on summary conviction, a penalty of £100; and if the person committing the offence be a candidate or an agent, he will also be guilty of an illegal practice. Having thus defined the various species of corruption at considerable length, and with great care, the Act provides (sect. 22) for excusing such offences in certain cases. Thus, when a candidate is guilty by his agents of certain corrupt and illegal practices, and it is proved that the offences were committed contrary to the orders of the candidate, and without his sanction or connivance, or that of his election agent; that he or his election agent took all reasonable means to prevent the commission of such offences; that they were of a trivial, unimportant, and limited character; and that in all other respects the election was free from any corrupt or illegal practice, the election will not be void, nor will the candidate be subject to any incapacity. The High Court and an Election Court are also empowered to except any innocent act from being an illegal practice, etc., and to exonerate the candidate or any other person from the consequences thereof, if it shall appear after notice, that the illegal act arose from inadvertence, and not from any want of good faith.

The next part of the Act, commencing with section 24, deals with election expenses, which are most minutely and elaborately treated, and the election agent, who is required to be appointed by the candidate on or before the nomination day, will take a prominent position, and incur great responsibility in connection with the expenditure of money. One election agent only is to be appointed. He may appoint as many sub-agents to act in different polling districts as may be required; but the number must be in proportion to the size of the constituency, and in accordance with very stringent regulations which are laid down in one of the schedules of the Act. All contracts and all payments are to be made through the election agent, and no advance may be made by, or on behalf of, a candidate except through the same officer. Claims against a candidate are to be sent in to the election agent within a fortnight of the election, and all accounts are to be paid by him within four weeks from the election. Payment of any claim after that period will constitute an illegal practice. The personal expenses of a candidate may be paid by himself to the extent of £100, but any sum beyond that must be paid through the election agent. Within 35 days after the day on which the return is made, the election agent is to transmit to the returning-officer a true statement of all the expenses incurred, which is to be accompanied by a declaration by the agent verifying the statement. A similar declaration must also be made and sent by the candidate, within a week

after the statement has been delivered to the returning-officer; and until such declaration is made, the candidate elected may not sit and vote in the House of Commons, under a penalty of £100 a day, which may be sued for by anyone. Neglect to send in these declarations will constitute an illegal practice, and a false statement will be perjury and a corrupt practice. But the High Court or an Election Court may, for good cause shown, extend the time for sending in a return and declaration. The regulations as to the number of persons who may be employed at an election for payment, and the amount which may be expended, are contained in the first schedule to the Act. Thus in boroughs there may be one clerk and one messenger for every 500 electors. One clerk and one messenger may be appointed for every 5,000 voters for the central committee rooms in a county, and also one clerk and one messenger for every 500 electors in a polling district. The number of committee rooms is limited to one to every 500 electors, whether in a borough or a county. The total sum which may be expended, not including personal expenses and returning officer's charges, is fixed at £350 in boroughs if the number of electors on the register does not exceed 2,000, and at £380 if the register contains more than 2,000 names,an additional £30 being allowed for every additional 1,000 names on the register above 2,000. In counties the amount is fixed at £650 in England and Scotland, and £500 in Ireland, if the number of electors does not exceed 2,000. If the number exceeds 2,000, £710 may be expended in England and Scotland, and £540 in Ireland, an additional £60 being allowed in England and Scotland, and £40 in Ireland, for every 1000 electors above 2,000. Where there are two joint candidates the amounts are to be reduced by one-fourtn, and if there are more than two joint candidates the maximum is to be reduced by one-third.

The disqualification of electors forms an important item in the measure, and the prohibitions of persons guilty of infringements of the Acts are severe and extensive. But, on the other hand, ample security is given to a person charged with an offence to defend himself. A justice of the peace found guilty of an offence under the Act will be reported to the Lord Chancellor; and, in the case of a barrister or a solicitor, the offender may be dealt with as if he had been guilty of professional misconduct; while a publican who is guilty of bribery or treating, or has suffered these offences to be committed on his premises, will have his conviction endorsed on his license. A list of disqualified voters is also to be made out, and is to be published with the register of electors. After the provisions relating to disqualification come the sections and sub-sections relating to proceedings on an election petition, which, if illegal practices are charged, is required to be presented within 14 days after the return of election expenses has been made; but, if the petition alleges payment of money since that date, it may be presented within a lunar month after such payment. A petition can only be withdrawn on affidavits by the parties stating the grounds upon which it is sought to be withdrawn, that there has no unlawful agreement, and that the agreement, if there has been one, was lawful. Copies of these affidavits are to be sent to the Public Prosecutor, who may be heard against the application for withdrawal. The same officer is also empowered to be heard at the trial of any petition; he may, with the leave of the court, examine or cross-examine witnesses; and he may direct the prosecution of anyone who has not received a certificate of indemnity. Any person prosecuted for a corrupt practice will have a right to be tried by a jury; but a person charged with that offence, if he appears before an Election Court, may be dealt with summarily and sentenced to six months' imprisonment, and if convicted summarily of an illegal practice he may be fined. But if an accused person does not appear before an Election Court the court may order his prosecution; and any person whom the court deems to have been guilty of corrupt or illegal practices may be ordered to pay all the costs of and incidental to his offence and its detection. Among the miscellaneous provisions is a power given to the public prosecutor to institute inquiries and prosecutions in any case in which he may think fit; and an indictment for any offence may, at the instance of the Attorney-General, or by order of the High Court, be removed for trial to the Central Criminal Court, or to the High Court before a special jury. There are also numerous other provisions, relating to practice and procedure.

RECENT UNITED STATES DECISIONS.

Corporation—When Director is entitled to compensation for services.—Where directors of a corporation appoint one of their number to act as treasurer, secretary, or other ministerial officer of the corporation, he is *prima facie* entitled to reasonable compensation for his services as such officer.—*First National Bank of Fort Scott* v. *Drake*, Kansas Supreme Court, 29 Kansas Rep.

Accident Insurance Policy—Forfeiture.—An accident insurance contract provided that no claim should be made for death or injury caused by voluntary exposure to unnecessary danger, or by walking or being on the bridge of any railway. A train on which insured was riding at night stopped on a bridge. He went to the front platform of the car in which he was riding, and stepped off and through a hole in the floor of the bridge, causing his death. The bridge, with the exception of this hole, was well covered with plank and quite safe. *Held*, that he did not violate the provision of the policy, and the insurance company was liable on the contract for his death.—*Burkhard* v. *Travellers Ins. Co.*, Pennsylvania Supreme Court, 28 A. L. J. 388.

Railway—Negligence.—A female passenger got off a train at a refreshment station, and in returning, owing to the removal of the train in her absence and the insufficient lighting of the premises, she fell and was injured. *Held*, that the company was liable.—*Peniston* v. *Chicago, etc., Railroad Co.*, 34 La. Ann. 777.

GENERAL NOTES.

The Court of Appeal at Toronto, like that at Montreal, has about 100 unheard cases on its roll.

Judge Gowan, who has just retired from the county judgeship of Simcoe, was over forty years on the bench. He was the senior county judge of the province, and was elevated to the bench when he was only twenty-five years old. In 1873 he was appointed one of the Royal Commissioners to enquire into the charges in relation to the Pacific Railway contract. In the following year he was appointed one of the Commissioners for the revision and consolidation of the Statutes of Ontario, a work brought to a close in 1877.

Boston is not alone in suffering a downfall from its intellectual supremacy. The day is past for provincial centres of national intelligence. Edinburgh has been deposed like Boston from a rank yet more exalted. Weimar has sunk to be a petty residence town. Geneva has gone into trade and politics. Florence is no more an intellectual centre. Oxford and Cambridge retain no dictatorship in letters. It may seem to be only a transfer of the intellectual headship from one locality to another. The change may be supposed to be nothing but an instance of the common law of the rise and decline of local greatness. London may be deemed simply to have taken precedence of Edinburgh, and New York of Boston.—*Times.*

La Signora Lydia Poet, a young lady who was recently admitted to the bar of Turin, has pleaded and won her first case. She was the advocate of a young painter whose pictures had been unjustly detained by his landlord, and much injured by the damp of the garret to which they had been consigned. The lady barrister obtained a great success by her humorous description of the subject of the pictures, and, amid much applause, obtained a verdict with damages in favor of her client. She was escorted home, still enveloped in her lawyer's robes, by a large concourse of people, who gave her a serenade in the evening, in which the tenor voice of the young painter was conspicuous for its deep expression.

In a French town, a drover and a butcher who had been adjusting their accounts in the market, went to a tavern to dine. During the meal the butcher took from his pocket a bank note of 100 francs value wherewith to pay the drover, but in handing it over let it fall into a dish of gravy. He snatched it out, and holding it between thumb and forefinger, waved it to and fro to dry it. The drover's dog accepted this movement as a friendly invitation, and, liking the smell of the saturated note, made a spring at it and swallowed it. The butcher was furious. "Give me my money," he demanded; "kill the dog and open it." "No," replied the drover; "my dog is worth more than 100 francs." "Then I owe you nothing. Your dog has collected for you before witnesses." "My dog is not my cashier. And besides, where is your receipt?" "The justice will have to settle this." "Let him." The justice, it is said, has been searching in vain for a precedent for such a case.

An extraordinary case was recently decided in the Queen's Bench, London. A young man named Devenish, who had previously been a sailor, had been apprenticed to Mr. Tubb, a plumber, to learn that business. One night Devenish, whose habits seem to have partaken of the freedom of his former life and who was fond of "larks," was found in the room of Miss Tubb, where, he said on being questioned, that he had gone to get a light. Miss Tubb screamed with fright at the presence of the intruder and called to her mother, who was ill, it appears, in an adjacent room. Thereupon Mr. Tubb and the doctor, Maunders, who happened to be attending Mrs. Tubb, came upon the scene, when Devenish, fearing evil consequences to himself, threw himself upon the bed and pretended to be in a deep sleep. All the efforts of Messrs. Tubb and Maunders to arouse him were in vain, and at last the latter thought of the expedient of heating a poker and applying it to his person. Devenish still persisted in feigning unconsciousness, though the doctor used the poker with evident effect, but finally he got up and ran away. Some time after, he entered an action for damages against his employer and the physician, and the case gave rise to a good deal of fun in court. Though it appeared that Devenish had no business in Miss Tubb's room, the verdict acquitted him of all evil purpose, and his master was fined £25 and Dr. Maunders £80 for the assault and burning.