The Legal News.

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COPYRIGHT IN NEWSPAPER ARTICLES.

The proprietors of newspapers have recently exhibited themselves as somewhat greedy in asking for special privileges in the conduct of their business; but no one will grudge a legitimate victory like that obtained in the cases of *Cate* v. *The Devon and Exeter Constitutional Newspaper Company (Lim.)*, 58 Law J. Rep. Chanc. 288, and *The Trade Auxiliary Company* v. *The Middlesbrough Protection Association*, 58 Law J. Rep. Chanc. 293, to be reported in the May number of the *Law Journal Reports*. The plaintiffs in both these cases were substantially the same, being the proprietors of the well-known *Stubbs's Gazette* and *Perry's Gazette*, and of the *Commercial Compendium*, by which last name Mr. Justice North, with some reason, did not know what was meant. They combined in the first case as partners, and in the second as a limited company, to supply the commercial world with a list of those against whom bills of sale and deeds of arrangement have been registered under the Acts of 1882 and 1888. Greater interest appears to have been taken in these same subjects in the west and in the north than in the view of the proprietors of the *Devon and Exeter Daily Gazette* and the Middlesbrough Protection Association was thought sufficiently supplied by these publications. In any case they published similar lists, and when on certain occasions the plaintiffs' clerks were instructed to insert fictitious entries these duly appeared in the rival lists. Thereupon actions were brought and heard respectively before Mr. Justice North and Mr. Justice Chitty, with the result that the plaintiffs were successful in both, with the weight in the second of the authority of the Court of Appeal.

The point of most importance decided by these cases is the point of least difficulty, and arises mainly from the fact that in *Cox* v. *The 'Land and Water' Journal Company*, 39 Law J. Rep. Chanc. 152, Vice-Chancellor Malins had laid down that a newspaper is not a periodical work within the meaning of section 18 of the Copyright Act, 1842. This decision was pronounced by the late Master of the Rolls, in *Walter* v. *Howe*, 50 Law J. Rep. Chanc. 621, to be opposed to the plain wording of the Act of Parliament; but as the view of the Master of the Rolls was not necessary for the decision of the case before him, technically the decision of Vice-Chancellor Malins was binding on the High Court. The judges of that Court, including Justices North and Chitty, in their decisions have with one consent kicked against the pricks of that case; but it is as well that it should now be formally pronounced overruled, as follows from the decision of Lords Justices Cotton, Lindley, and Lopes in the second of the two cases. Minor points of some interest are, moreover, dealt with. Mr. Justice North rightly decides that a registration of a newspaper under the Copyright Act, as first published June 15, 1858, is not made irregular by a statement in the title-page that it was established in 1855. It lay on the defendants to show that the paper was published before the date given in the registration, which no doubt they might easily have tested by a visit to the British Museum. The statement on the title-page was probably due to the natural exaggeration which gathers round most institutions as to the antiquity of their origin. The same learned judge decided that the Newspaper Libel Registration Act, 1881, is passed, *alio intuitu* to the subject of copyright. His observation that the duty of registration imposed on the publisher to register does not include a proprietor can hardly be safely acted upon for the very reason why the decision on the previous point is right—namely, that the Act is dealing with newspapers from the point of view of libel in which the proprietor is a publisher, and not of copyright in which the word is used in its business, not its legal, sense. He also decides a point on which his decision is expressly confirmed by the Court of Appeal in the appeal from Mr. Justice Chitty—namely, that the proprietor of a newspaper

sufficiently complies with the requirement of registering by registering his newspaper, and need not register every article in it. The learned judge points out that the scope of registration of a copyright under the Act is not that there should always be complete registration of the publication in which there is copyright in order that persons may know what they may legitimately copy and what they cannot so copy. The Act itself contains provisions which he thinks make that clear, and he adds that it is well-known that registration is only necessary as a condition precedent to suing, and notorious that the almost universal practice of publishers is not to register until the eve of taking proceedings.

The second case went to the Court of Appeal probably because of the extreme plausibility of the point taken by the defendants' counsel. That point turned on the fact that the plaintiffs had registered three separate newspapers which they had supplied with the subject-matter pirated, and it was said that such a registration was not a registration of the plaintiffs as proprietors of the copyright, such as is required by the Copyright Act; and that what the plaintiffs claimed was a joint right, and what they had registered a separate right in the individual newspapers. Lord Justice Cotton's answer to this contention is: 'All that is required under section 18 of the Copyright Act, 1842, according to the opinion of the late Master of the Rolls in *Walter* v. *Howe*, which I think is correct, is that before a newspaper proprietor, having a right under that section, can sue, he must register his paper. He is not required to register the copyright in the work which has been prepared, in accordance with the terms of section 18, and in respect of which, therefore, he has the same right as if he were author and had the copyright; but he must register his paper, and that alone gives him a right to sue.' A reference to the terms of the judgment of the late Master of the Rolls hardly supports the view here taken of the *obiter dicta* of the late Master of the Rolls. Reliance must rather be placed on the reasoning of Lord Justice Cotton, which is as follows: 'What a newspaper proprietor gets under section 18 is this —If he enters into an agreement with anyone to have a work done for his paper on the terms therein contained, then he is entitled to the same right as if he were the author, or as if he had got the copyright assigned to him. In my opinion there is nothing in that section to prevent such an arrangement as has been made in this case. Three newspaper proprietors join together; they employ an author on the terms pointed out by section 18; and, that being so, they can in respect of their newspapers have the right of protecting the article and preventing others from infringing it.' These views, the learned judge points out, are not inconsistent with the opinion expressed by Lord St. Leonards in *Jeffreys* v. *Boosey*, 24 Law J. Rep. Exch. 81, as that was an attempt to give a right of copyright by assignment in respect of a fraction of the United Kingdom. Lord Justice Lindley prefaces his judgment, concurring with Lord Justice Cotton, in order to guard himself against deciding more than the question before the Court, by pointing out that it is important to bear in mind the admission which had been made—that is, these gazettes in some sense were original publications; that is to say, that the author, or the composer, as he is called in section 18, had bestowed some brain-work upon them, and they are not a mere collection of copies of public documents. Had it been otherwise the learned judge points out that there might have been some question arising upon the point; but there had been an abridgment, and mental work, and that amount of labour which entitles the author of it, or the composer of it—for he takes those two words to mean the same thing—to a copyright. The case must therefore be read to assume that, apart from any question of the rights of the Crown, copies of public documents, such as the *London Gazette*, are not an infringement of copyright, although they occupy the same ground as publications such as those owned by the plaintiffs.—*Law Journal.*

SUPERIOR COURT.

SHERBROOKE, June 28, 1889.

Coram BROOKS, J.

THE QUEEN at the instance of G. N. HODGE,

petitioner for Habeas Corpus, and DAME E. C. SCOTT, respondent.

Habeas Corpus—Custody of Child—Constraint.

The tutor appointed to a minor for the purpose of making an inventory, petitioned by writ of habeas corpus to obtain the custody of the child, on the ground merely that the stepmother, by whom the child had been brought up, was not properly fulfilling the agreement to take care of her.

HELD:—*That where there is no allegation that the child is restrained of its liberty, the court has a discretionary power to refuse the petition if not considered to be in the interest of the minor.*

PER CURIAM.—This is a writ of *Habeas Corpus ad Subjiciendum* sought by petitioner against respondent, alleging, that on the 12th May, 1884, he was named tutor to Hattie Jane Hodge, minor child of Isaac Hodge, and Edith Town, deceased, Isaac Hodge being then alive; that on 28th Nov., 1887, Isaac Hodge died and petitioner entered into an agreement with the respondent, then by second marriage widow of the late Isaac Hodge, by which he placed the minor with her during such time as she should take proper care of the minor, or until the respondent should notify him of her desire to discontinue; the respondent agreeing to care for, educate and clothe her free of charge; that the petitioner believes it would be for the interest of such child that she should be removed from the care of respondent; that she had not given her proper care, does not educate her, or provide what is requisite; that he has demanded the child, and the respondent refuses to restore her, and he believes, without a writ of Habeas Corpus, he will sustain damage.

To this the respondent replies, that she does not detain the child against her will; that she was married in 1884 to Isaac Hodge; that the child has always lived with her and has become attached to her; that the petitioner was named tutor during the lifetime of I. Hodge for the purpose of making an inventory of the community existing between him and her late mother; that the petitioner came from Sacarrapa, Maine, where he was then living at the time of I. Hodge's death, to attend his brother's funeral, remained four or five days and then returned, and while here made the agreement set up in the petition; that there is no reason for changing; that she is willing to support her as her own daughter free of charge.

A large number of affidavits have been filed, and this court is now called upon to decide if, under a writ of Habeas Corpus issued under Art. 1040 C.C.P., it shall give the custody of the child to petitioner.

It is to be observed that the petitioner does not allege in his petition that this child is confined or restrained of her liberty, but simply sets up the breach of the agreement, and seeks to enforce his right to the child under this instrument.

The serious question arises, is that the object or scope of *Habeas Corpus?*

In *Reg.* v. *McConnell*, 5 Leg. News, p. 386, and particularly on p. 391 I cited as for example, Lord Mansfield in *Rex.* v. *Deleval* said: "The court is bound *ex debito justitiae* "to set the infants free from an improper "restraint, but they are not bound to deliver "them over to anybody nor to give them "any privilege." Again: "The court does "not feel obliged in all cases to deliver the "child into legal custody when it has not "been abused. It has been said, indeed, in "such cases that the Habeas Corpus ceases to "be a remedy for the father. It does not "cease to be. It never was a *remedy to that "extent.*"

Also as to age, Tindall, C. J., said that the child would be allowed the privilege of *choosing* had she been only seven years old.

In an American case it was declared that the object of the writ was to relieve from restraint or imprisonment, *i.e.* wherever there is no imprisonment there is no ground for the writ, and I apprehend no case can be cited where the writ is either used to determine the question of property or the conflicting rights to the possession of the person.

While I am aware that it is held by some that the writ may be used by a parent or tutor to enforce rights as to the possession of a child, I cannot under the law and the decisions, declare that this writ can be used for such a purpose under our system. But whether or not, this cannot be denied—that

where there is no *confinement or restraint* this Court has the discretionary power under the circumstances to refuse the writ if not thought to be in the interest of the minor.

What are the circumstances? A small sum of money is left to this minor from her mother's estate, amounting to about $250. The petitioner, for the purpose of making the inventory and *that alone*, was named tutor, *the father being alive*. The notary through his blundering, for it is that and serious blundering, when he named a *tutor ad hoc*, and makes it general, and the Prothonotary without inquiry as to why the father is to be deprived of the charge of his own child, homologated the appointment, when the sole object evidently was to enable the minor to be represented in the inventory, and not that the tutor should have charge of the minor. There is no allegation that the father could not or should not care for his own daughter. The petitioner was then residing and continued to reside in the United States.

When Isaac Hodge died in 1887 the petitioner came to the funeral from Maine, and it was on all hands agreed that it was desirable that the minor should remain with respondent as long as she properly cared for her, which she agreed to do *without charge*, and still is willing to do. What was the conduct of petitioner? Returning to Canada in the winter of 1888, he presents a bill of $41.50, for his expenses in looking after the minor's property, a pittance of $250, which he is claiming and which possibly he may have the right to control. What are these charges? Time and expenses and board in attending his brother's funeral in November 1887, and the same after his return to Canada in 1888. For these things he would absorb in six days' time and expenses one-sixth of the sum coming to this child. At that rate if he takes the child, how long would it take to absorb the whole patrimony? While on the other hand, the respondent is willing to take care of her for nothing. But the petitioner says she has not done so properly. He has established nothing to this effect. I have examined the child. She is very bright, well advanced in her studies; clean, neat and well cared for. She is not brushed up for to day, but evidently well cared for. She is happy, is being well cared for and educated, and I am not disposed, though she is only nine years old, but very intelligent, to give her to petitioner even if I had the power and it was within the true scope of the writ. The petitioner was never named to have charge of her. It never was the intention and I do not think it for her interest to be placed in his care under the circumstances.

I had made a suggestion to which I understand petitioner would not consent, *i.e.* the appointment of another tutor who would allow the child to remain with respondent on the same terms, with visits from her relations, but he is obstinate, and his writ is quashed with costs.

Hon. H. Aylmer for Petitioner.
Lawrence & Morris, Counsel.
Hull, White & Cate for Respondent.

COLLET.

[Continued from page 232.]

This ignoble comedy could not last long; he felt himself called to a wider field. One day he assembled his flock and imparted to them his desire to rebuild their church, and appealed for their aid. How could they refuse anything to this generous man? They bled themselves, subscribed liberally, and added many thousand francs to the sum which their generous pastor promised to supply from his own purse, and he left them to secure the services of an architect.

They never saw him again. Disgusted, this time, with the ecclesiastical garb, Collet changed his profession. He forged a commission as general of a brigade. On his route he collected his travelling expenses, and had the audacity to return to Turin. There he negotiated, at the house of the banker Barotti, a bill of exchange drawn in his favor for 10,000 francs, and then returned rapidly to France by way of Como. *Gendarmes* were hurriedly sent in pursuit of the false general; but to no purpose; he was now a bishop, who travelled by the diligence. Collet filled up a bull of his own appointment, and as a bishop could not properly travel alone and without an almoner, he improvised a certificate of death of an almoner, of his

own invention, whom he said he had had the misfortune to lose at Novi. He went to Nice to play his new *rôle*, under the name of Monseigneur Pasqualini. The robe and the purple cap immediately attracted the attention of the clergy and the faithful. The bishop at once sent to his hotel his two vicars-general. The interview took place according to the established rules of etiquette. The improvised bishop presented his hand for the two ecclesiastics to kiss, and gave them his blessing. They conducted him to the bishop; he celebrated mass, and his colleague graciously begged him to visit the seminary, and ordain sixty young aspirants to different orders in the church.

Collet was not in the least embarrassed. According to his "Mémoires," he passed half the night in arranging from his memory portions of a sermon of Bordaloue upon the Order, and delivered it before the young neophytes with great unction.

Nice, however, did not present an opportunity for recuperating the purse of his grandeur.

Collet announced his departure from Cannes. The bishop of Nice gave him an almoner, an inconvenient companion on his journey, and whom he must rid himself of by a *ruse*. At Cannes the impostor found a peasant, a rough and unscrupulous person, to whom he promised a good reward if he would, with some friends, pretend to attack the carriage of his highness. "My almoner," said he, "wearies me by his continual boastings of his courage; I should not be sorry to see it put to the test. You will conceal yourselves upon the road; you will fire several pistol shots in the air, and a masked figure will present himself at the door of the carriage, where I will give him the promised reward, pretending to tremble in all my limbs."

They departed. About midnight, at the entrance of a dark and gloomy looking road, four brigands rushed forth and surrounded the carriage with menacing cries. "Halt! Your money or your life!" Monseigneur performed his part of this comedy, and slipped into the hands of the robbers a box containing twenty-five louis, and, thus freed from his aggressors, complained bitterly to his companion of having lost his entire fortune of 80,000 francs, besides some valuable jewels. The almoner, more dead than alive, fell sick, and was left at the next town. When the poor despoiled Monseigneur made known his misfortunes to the authorities of Grasse, the faithful of the place made a collection for him, which produced 8,000 francs. Collet was about to depart, satisfied with this offering, when an honest banker came to seek him, and place his fortune at the service of his grandeur. His grandeur overwhelmed him with thanks, and accepted and pocketed 30,000 francs in exchange for a note signed Don Pasqualini.

Among other information gleaned at Grasse, Collet learned that the General Laferrière possessed, at a distance of about three leagues from the town, a fine estate.

The general was at the time absent; his wife was living alone at the château. Sure of not being detected, Collet presented himself there. He said he had served in the campaign of Italy under the general, and had afterwards taken holy orders. Monseigneur Pasqualini was received with respectful attention. They *fêted* the friend of the general, who left, having received a most brilliant hospitality, which he repaid with episcopal benedictions.

Evidently Collet had a real love for these disguises. He played a part much of the time out of pure passion for the *rôle*, and without even drawing any profit from it.

But he had completed his adventures in the south-west of France and in Italy; he must make himself forgotten, if possible. He went to seek a retreat in Paris. He alighted at a second class hotel, with a passport as a common citizen. What did he mean to do in this great rendezvous of wealth and misery? He was twenty-six; he possessed a handsome fortune. Women occupied but a small space in his thoughts: he did not play. The resources gathered by his skilful hand up to this time had far exceeded his expenses. What did he mean to do in Paris? Money is king in a great city, and opportunities for increasing it abound; but Collet did not comprehend that with his capital and his abilities he might march rapidly to a true fortune. He only thought of playing a new *rôle;* he must have employment,—a disguise.

One day, as he was walking in the Garden of the Tuileries, he met there M. de Saint Germain, the officer who had formerly been his protector at the Military School at Fontainebleau. The two recognized each other, and Collet, by means of his unlimited stock of humbug, related to the officer an imaginary account of his past life. The poor and honest officer had not known of the desertion of his old friend. Collet slipped into his hand a roll of one hundred louis, and walked with him to the Department of War, and through his good offices succeeded in ingratiating himself with two division commanders, whom he seduced by good dinners, and finally obtained through them a commission as lieutenant in the 47th Regiment of the Line, then forming a part of the garrison at Brest.

For a poltroon such as Collet to return to the army, after his escapade at Naples, was a stroke of audacity which is astonishing; but one must consider the numerous facilities which, at this time, a *chevalier d'industrie* found among all classes of society and in all professions. The immensity of the French empire; an administration centralized even to excess, but too recently substituted for a long anarchy, and as yet lacking those powerful instruments which experience did not give it until later; the universal habit of obeying without asking, and blindly submitting to superior powers,—all this explains the successful audacity of Collet in assuming successively the highest religious and military offices, and never finding himself doubted or controlled by any one. The powerless organization of the civil police made it easy for a man who, without awakening the suspicions of the government, contented himself with quietly levying upon his dupes.

The deserter of 1806 was then sent, as a lieutenant, to the headquarters of the 47th Regiment of the Line. He announced himself as the rich son of a distinguished family, who sought in the army an occupation rather than a reputation. A few sumptuous dinners given to the officers of the corps, and some louis bestowed upon needy companions, soon established his reputation. But Anthelme had not for an instant any idea of forgetting his past. He resumed his epaulettes only to play a new part. He wished to play two at the same time. He was a consummate actor, a skilful mimic, who, in a simple disguise, played a comedy of episodes. The lieutenancy, besides, was only a source of expense, and Collet wished further to increase his hoard. To do this he had only two strings to his bow: the robe or the sword. He chose the robe.

Rome at this time sent throughout Christendom monks of the Order of Saint Augustine, charged with making collections for the benefit of the Church. Collet made for himself a commission as a worthy monk of this order, having authority to collect money to found religious establishments in France. He had secretly prepared a costume perfect in every respect; and, everything being ready, he wrote himself a letter from his family, which necessitated his absence to attend to some urgent business affairs. He obtained a leave of absence for two months, and departed to explore the Department of the North, where he made collections in many of the cities and towns. He presented himself to the prefects, exhibited to them his credentials and his authority, received the endorsement of the principal authorities, and filled his purse.

One sub-prefect alone, that of the Arrondissement of Boulogne, had his suspicions aroused, and gave orders to arrest the false Augustine; but he had foreseen the danger, and already in his carriage, in which he carried three disguises, he was now a brilliant commissary of war, resplendent with gold lace and decorations. The *gendarmes* who poked their noses into the carriage retired respectfully, frightened at their terrible blunder.

Returning to Lorient, Collet made an inventory of his plunder, and found that he had 60,000 francs more than at his departure. He related to his comrades, at a magnificent banquet which he tendered them, the incidents of his journey. His father, he said, wished him to marry a rich heiress, and it had been necessary to settle, in advance, some important pecuniary matters. They drank to the future happiness of the lieutenant, and no one suspected that he was the Augustin monk of whom everybody was now talking.

Some months after there was a new transformation. Collet made himself an inspector-general. In this character he could bleed the public treasuries freely. This was in 1812: Napoleon was struggling in Russia against the winter which was decimating his army; in Spain, the divided generals were retreating before a nation which had risen against them. The eyes of France were upon Russia; Napoleon had taken the soul, and left behind him only the skeleton of the empire—that powerful but complicated organization whose only sentiment was a blind devotion to a single man. It was at this time Mallet succeeded in shaking, and almost overturning, this admirable edifice, by the single expression, "The Emperor is dead."

The moment was well chosen by Collet. He withdrew from the centre of the empire. He had made himself a commission, conferring upon him full powers to organize the Army of Catalona, and the right to draw from the public treasuries the means necessary for raising this imaginary army. Having obtained the permission of his colonel, Collet departed for Paris. There he arranged his plans and departed for the south of France, and, on the way, removed his lieutenant's uniform and assumed that of an inspector-general. He was henceforth the General Count Charles-Alexandre de Borromeo.

He arrived at Valence and went directly to the citadel. The commander was not a little astonished, not having been officially informed of this intended visit: but the Count Borromeo excused the informality of his coming by the crisis in which France was then plunged; he showed his commission, carelessly exposed his various decorations, and received all the honors due to his rank and his office. The first step was taken. But it was as necessary for a general to have a staff as for a bishop to have an almoner. Collet soon made for himself a brilliant one.

He attached to his suite a captain, whom he promoted to the rank of lieutenant-colonel, and some officers, whom he decorated. He went so far as to promise to the prefect, Hérault, the Cross of the Legion of Honor. But these were only the means; the end was an access to the public treasuries. From that of Valence he demanded and was paid 20,000 francs: 115,000 from that of Avignon; Marseilles handed over 200,000 francs, and Nismes 30,000 francs.

[To be continued.]

INSOLVENT NOTICES, ETC.

Quebec Official Gazette, July 20.

Dividends.

Re Blais & Emond.—Second dividend payable Aug. 5, H. A. Bedard, Quebec, curator.

Re A. E. Boisseau.—First dividend, payable Aug. 5, H. A. Bedard, Quebec, curator.

Re James Corbeil.—Second and final dividend, payable Aug. 7, C. Desmarteau, Montreal, curator.

Re P.C. D'Auteuil, dry goods dealer, Quebec.—Second and final dividend, payable Aug. 5, H. A. Bedard, Quebec, curator.

Re J. A. Demers, Lévis.—First dividend, payable Aug. 5, H. A. Bedard, Quebec, curator.

Re H. Gagnon & Co.—First dividend, payable Aug. 5, H. A. Bedard, Quebec, curator.

Re Joseph Martineau, Stanfold.—First and final dividend, payable Aug. 9, Gauthier & Parent, Montreal, curators.

Re Simon Méthot, Grand River.—First and final dividend, payable Aug. 5, H. A. Bedard, Quebec, curator.

Quebec Official Gazette, July 27.

Judicial Abandonments.

Andrew Boa, trader, Lachute, July 22.

Curators appointed.

Re Emmanuel Day, Montreal.—Kent & Turcotte, Montreal, joint curator, July 19.

Re Ferdinand Genest.—T. Gauthier, Montreal, curator, July 25.

Re C. F. Laforêt, trader, St-André.—H. A. Bedard, Quebec, curator, July 18.

Re Pierre Leroux.—C. Desmarteau, Montreal, curator, July 18.

Re Napoléon Mercier.—L. N. Lemieux, Montreal, curator, July 19.

Re Wm. Peatman.—J. Morin, St-Hyacinthe, curator, July 10.

Dividends.

Re G. A. Drouin.—Second and final dividend, payable Aug. 14, C. Desmarteau, Montreal, curator.

Re Philéas Dubé.—First dividend, payable Aug. 3, M. Dechenes, Fraserville, curator.

Re C. H. & D. H. Sawyer, Clarenceville.—First and final dividend, payable Aug. 13, W. A. Caldwell, Montreal, curator.

Separation as to property.

Marie L. Décarry vs. J. Daniel Provencher, painter, Montreal, July 17.

Hedwidge Jutras vs. François Fouquet, tanner, township of Thetford.

Margaret Eleanor McClay vs. James Alexander Breaky, farmer, township of Hatley, July 19.

GENERAL NOTES.

LYNCH LAW.—The records for the past year reveal the fact that Judge Lynch executed 144 persons—101 in the South — while there were only eighty-seven legal hangings in this country. This is a balance on decidedly the wrong side of the account. There is no lack of law and machinery for promoting the ends of justice; and a country where mob executions prevail can have no severer commentary on its intellectual and moral condition. Southern associations for the promotion of immigration into that section of the country can take no more important step for their purpose than to drive Judge Lynch from the bench in their region.—*Troy Times.*

LORD WESTBURY.—A good story of Lord Westbury, illustrating his perfect self-confidence—not to call it anything worse—seems to be omitted from the numerous anecdotes mentioned in the recently published life. He had differed from his junior in a case as to the line of argument to be taken before the court. Bethell, of course, took his own way, but received little or no encouragement from the vice-chancellor before whom he was pleading. His junior, from behind, entreated him, as a last resource, to try him with his point, which eventually was done, and with evidently instantaneous success. Bethell turned around calmly to his junior and remarked with biting sarcasm: "The silly old man actually takes your point." Another story of his brutality and rudeness to his juniors is left out. At a consultation, a junior, who evidently did not know the character of his leader, ventured to remark that the case was not such an easy win for their side as it appeared to be to Bethell, for there were some arguments for the other side. Bethell asked what they were, and, thus encouraged, the stuffsman enlarged at some length on what could be said for the other side. His leader tied up his papers and listened without any interruption till his junior had finished, when he remarked: "So that's what can be said on the other side? All I can say is, what —— fools they must be on the other side!' And turning on his heel, walked out.—*Pump Court.*

EXPULSION OF FOREIGNERS.—The current number of the *Journal du Droit International Privé* contains a paper by Mr. W. F. Craies, barrister-at-law, on the right of expulsion of foreigners from England. The general result of the examination of the authorities on the subject is that, practically, there is no such right, although, so far as international law is concerned, there is no reason why England should not expel foreigners like other nations. Mr. Craies, in view of Lord Justice Bowen's epigram that "Coke ressemble à l'ennemi de l'homme dans sa tendance à citer l'Ecriture dans l'intérêt de sa phrase," apologizes to the foreign reader for Coke and for himself in citing from Deuteronomy. There is an interesting report in this periodical of the "affaire de Buffalo Bill (William le Buffle),' in which the right of property in a pseudonym and the legal status of Redskins in France are discussed.—*Law Journal.*

HYDROPHOBIA v. MUZZLING.—At a recent meeting held to protest against the muzzling of dogs, it was gravely stated that, since the poison resided in the saliva, it was absurd to attempt to control the spread of the disease by such a measure as muzzling. The fact that the poison could not be communicated except through inoculation by a wound was curiously enough passed over. On July 22, Mr. W. H. Smith stated in the House of Commons that it was not contemplated at present to make such a general order for this country. Surely this is following a very timid policy, for, although the metropolis and its vicinity enjoy the unenviable distinction of furnishing the greater number of cases of rabies, it is useless to expect any permanent reduction in the mortality from hydrophobia unless some extensive application of muzzling be enforced. No doubt such an order would require great care in its enforcement, but the newly constituted county councils have the power to see that it is properly carried out. The matter rests on the broad fact that it is only through general muzzling that hydrophobia can be prevented. It may be as well also to bear in mind that the disease may be communicated to man through other animals which have been bitten by rabid dogs; for example, there are authentic instances of hydrophobia being transmitted through the bite of a cat. Muzzling of dogs would, then, not only protect man from hydrophobia, but also other animals from rabies; and those who seem to have the interests of animals more at heart than those of their own kind may possibly be induced to reconsider the subject from this point of view.—*Lancet.*

A SHORT WAY WITH DUNS.—The United States statutes governing the transmission of 'dunning' postal cards in the mails, are chapter 394, section 2, as amended by chapter 1,039, section 3, of statutes passed by the first session of the Fiftieth Congress. The phrases of the statute applicable are 'threatening character,' 'calculated and obviously intended to reflect upon the character,' &c. The postmaster general, in his special notice to postmasters, defines as nonmailable, 'anything in the nature of an offensive or threatening dun' on a postal card.—*Albany Law Journal.*

THE PRONUNCIATION OF 'NEITHER.'—A friend years ago told me an anecdote of Thomas A. Hendricks, which illustrates his care, patience, and insight into human experience and frailties. Those who have read Mr. Hendricks' speeches, or who have heard him speak, or met with him in private conversation, know that his language was excellent and his words well chosen. Said my friend to him, 'How do you pronounce "neither"—"nether" or "nither?"' His reply was: 'It depends upon whom I am addressing. If I am delivering an address to a literary circle, to a popular assembly, or even to a political meeting, I say "nī-ther," but if I am addressing a jury, I say "nē-ther." My reason for saying "nē-ther" when addressing a jury, is that it is the more common form of pronunciation, and if I were to say "nī-ther" it might be new or sound strange to some juror, and who would probably get to thinking about the pronunciation I used, and so lose the thread of my argument.'—*W. W. Thornton, in the 'Advocate' (St. Paul, Minnesota).*