THE

LEGAL NEWS.

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CURRENT TOPICS AND CASES.

Acting Chief Justice Tait, in his reply to the address of congratulation presented to him by the Montreal Bar, made some important observations on the administration of justice in this Province. It is obvious that since the present system of districts was introduced the vastly increased facilities of travel have removed most of the old objections to centralization. If such facilities had existed formerly the judicial districts might have been very differently arranged. There is at present a great waste of judicial force somewhere, there being thirty-six superior judges in this province, while all England, with a population of thirty millions, has only twenty-eight. Ireland comes nearer to Quebec in judicial numbers, there being seventeen superior judges to a population of about five millions. Of course it is not forgotten that our Superior Court judges also perform work which is done in England by a subordinate class. But after every deduction is made the discrepancy is marked. The suggestions put forward by the learned Acting Chief Justice deserve to be well weighed. He has frankly given the Bar and the public the benefit of his views on a subject of which he is peculiarly qualified to judge. If the suggestions do not bear fruit in desirable amendments to our judicial system the responsibility will not rest with him.

Lord Justice Lopes having been raised to the peerage with the title of Lord Ludlow, the name long familiar to the legal profession will not continue to appear in the reports of the Court of Appeal. Probably, however, the elevation of the Lord Justice to the peerage will be followed soon by his retirement from the bench. The new lord takes the title of Ludlow because it was his mother's name.

An ingenious expedient has been resorted to in some places to obviate the objection of unsanitary bibles in Court rooms. Although the ceremony of kissing the book has a certain solemnity, and may add to the sanctity of the oath in certain minds, the material of the cover can have nothing to do with the binding nature of the oath. Accordingly bibles have been bound in celluloid covers, which may be washed and kept clean, and these are offered for use in police courts and other places where oaths are administered.

Examinations tend to become more stringent everywhere. It can hardly be supposed that students are more careless or indolent than formerly; yet take the result of recent examinations in England. For admission to study, 218 candidates; passed, 174. Final examination, 120 candidates; passed, 77.

NEW PUBLICATIONS.

THE CANADIAN ANNUAL DIGEST, 1896. By Charles H. Masters, Reporter of the Supreme Court of Canada, and Charles Morse, LL.B., Reporter of the Exchequer Court of Canada—Toronto: Canada Law Journal Company, Publishers.

This is a work which has been much needed for some time, and the profession throughout the Dominion and elsewhere will welcome it with gladness. Few members of the Bar are able to add to their libraries all the volumes of reports which are issued. If they obtain those of their own province and of the Supreme

Court, with the principal English or French reports, they are usually satisfied. But they would like to keep themselves informed of what is being decided in the other provinces, as otherwise they may sometimes advise their clients incorrectly, and possibly go on fighting a case for a year or more in ignorance that a decision of an appellate court on the same point, and under a law common to all the provinces, has been rendered on one side or the other. The present Digest will make it an easy matter to turn at once to the recent decisions on any point throughout all Canada. That the bulk of the reports is not inconsiderable is evident from the fact that 371 double column pages are occupied by the digest of subjects, and the table of cases reported extends over 16 pages in small type.

The reports digested are Supreme Court of Canada, Vols. 25, 26; Exchequer Court of Canada, Vol. 5, Nos. 1-3; Ontario Appeal Reports, Vol. 23, Nos. 1-4; Ontario Reports, Vol. 27; Ontario Practice Reports, Vol. 17, Nos. 1-5; Quebec Reports, Queen's Bench, Vol. 5; Superior Court, Vol. 9; Nova Scotia Reports, Vol. 28, Nos. 1, 2; New Brunswick Reports, Vol. 33, No. 4; New Brunswick Equity Reports, Vol. 1, Nos. 2, 3; Manitoba Reports, Vol. 11, Nos. 1-4; British Columbia Reports, Vol. 3, No. 2; Vol. 4. Also a digest of the Canadian cases decided by the Judicial Committee of the Privy Council during the year, with tables of the cases digested, cases affirmed, reversed, or specially considered, and of the statutes referred to.

We have said enough to indicate the utility of the work. It seems to have been compiled with much care, and is neatly printed. Henceforward it will be indispensable in the lawyer's office, and we hope that the compilers will receive sufficient encouragement to make its annual appearance a certainty.

THE DOMINION CONVEYANCER. Second edition, by Wm. Howard Hunter, B. A., barrister-at-law.—Toronto: The Carswell Company, Publishers.

This is a volume of 576 pages, being the second edition, revised and enlarged, of Mr. Hunter's compilation of forms for general use and clauses for special cases. The editor expresses his belief that no standard form has been overlooked. Immediately following the typical precedents under each title have been added clauses adapted to special or unusual cases. An analytical index to all the forms facilitates reference and extends the application of the precedents.

EXCHEQUER COURT OF CANADA.

11 Oct. 1897.

Before BURBIDGE, J.

THE DOMINION ATLANTIC RAILWAY COMPANY, claimant; and HER MAJESTY THE QUEEN, defendant.

Practice — Submission to arbitration—Award—Rule of Court—Judgment.

The Exchequer Court has no jurisdiction to entertain an application to make an award under a submission to arbitration by consent in a matter *ex foro* a judgment of the Court.

C. J. R. Bethune for motion to make award judgment of Court.
F. H. Gisborne, contra.

QUEBEC ADMIRALTY DISTRICT.

3 August, 1897.

Before ROUTHIER, L. J.

THE BELL TELEPHONE COMPANY OF CANADA, Limited, plaintiffs, and THE BRIGANTINE "RAPID," HER CARGO AND FREIGHT.

Trespass— Interference with submarine cable — Notice—Damages.

By a regulation passed by the Quebec Harbour Commissioners in 1895 and subsequently approved by the Governor in Council and duly published, the Commissioners prohibited vessels from casting anchor within a certain defined space of the waters of the harbour. Sometime after this regulation had been made and published the commissioners entered into a contract with the plaintiffs whereby the latter were empowered to lay their telephone cable along the bed of that part of the harbour which vessels had been so prohibited from casting anchor in. No marks or signs had been placed in the harbour to indicate the space in question. The defendant vessel, in ignorance of the fact that the cable was there, entered upon the space in question and cast anchor. Her anchor caught in the cable and in the efforts to disengage it the cable was broken.

Held, that she was liable in damages therefor.

Caron, Pentland & Stuart, for the plaintiffs.

Miller & Dorion, for the ship.

11 Oct. 1897.

Before BURBIDGE, J.

THE QUEEN on the Information of the Attorney General for the Dominion of Canada, v. WILLIAM JOSEPH POUPORE, JOHN GEORGE POUPORE and JOHN BURNS FRASER.

Contract—Public Work—Negligence—Sufficiency of proof.

In an action by the Crown for damages arising out of an accident alleged to be due to the negligence of a contractor in the performance of his contract for the construction of a public work, before the contractor can be held liable the evidence must show beyond reasonable doubt that the accident was the result of his negligence and must exclude all presumptions as to its having arisen in any other way.

E. L. Newcombe, solicitor for plaintiff.

Christie, Greene & Greene, solicitors for the defendants.

RECENT UNITED STATES DECISIONS.

Certificate of deposit.—A certificate of deposit reciting that it is "to be left six months," and adding, "No interest after maturity," is held, in *Towle* v. *Starz* (Minn.) 36 L. R. A. 463, to be a time, and not a demand, certificate, and that to hold an indorser payment must be demanded at the end of six months on the last day of grace.

Insurance.—A bicycle association which agrees to clean a member's bicycle twice each year, repair tires when punctured by accident, and the bicycle if damaged by accident, also to replace it if stolen unless recovered in eight months, and provide another bicycle during that time, in consideration of which the member pays $6 membership fee per year, is held, in *Com., Hensel* v. *Provident Bicycle Asso.* (Pa.) 36 L. R. A. 589, not to constitute an insurance company for which a charter is necessary under the Pennsylvania statutes.

Promissory note obtained by fraud.—An illiterate maker induced by fraud to sign a note and mortgage, supposing he is signing other instruments, is held, in *Green* v. *Wilkie* (Iowa) 36 L. R. A. 434, not to be liable even when the note is in the hands of an innocent purchaser, unless he was guilty of negligence in making

the note. This is on the ground that he was never a party to the contract contained in the instrument. With this case the authorities are collected showing the general rule, and the exceptions thereto, as to the effect of fraud in obtaining the execution of a note as against a *bona fide* holder.

Promissory note.—Failure of the apparent maker to repudiate his forged signature to a note when it is first shown him, and even his statement that the note will be paid, are held, in *Traders' Nat. Bank* v. *Rogers* (Mass.) 36 L. R. A. 539, to be insufficient to render him liable unless the holder had been induced thereby to assume and act upon the assumption that the signature was genuine or was admitted to be so. The note to the case reviews the decisions on the liability of persons whose signatures are forged on commercial paper, including the questions of estoppel and ratification of such signatures.

Carrier.—The misdelivery of goods by an agent of a connecting line or a warehouseman is held, in *Illinois Cent. R. Co.* v. *Carter* (Ill.) 36 L. R. A. 527, insufficient to render the forwarding carrier liable, where it safely delivered the goods to the connecting line, for a safe carriage to the destination.

The fact that a train was running at high speed in violation of law and in breach of the promise of the engineer made to a boy who intended to jump off is held, in *Howell* v. *Illinois Cent. R. Co.* (Miss.) 36 L. R. A. 545, insufficient to render the railroad company liable for injury to the boy, when he attempted to get off knowing the danger.

The fact that a person is blind is held, in *Zachery* v. *Mobile & O. R. Co.* (Miss.) 36 L. R. A. 546, insufficient to justify a carrier in refusing to accept him as a passenger.

Covenant as to building.—A building erected in place of one which has been destroyed on premises subject to a covenant against erecting any building thereon except one of which the design is approved by certain directors of an association is held in *Peabody Heights Co.* v. *Wilson* (Md.) 36 L. R. A. 393, to be subject to such covenant only so far as to prevent erecting a structure inferior to the original one, or which is calculated to depreciate the value of the adjacent property, but that the new building need not necessarily be of the same plan as the original one, or approved in all its details by the directors.

Murder.—Voluntary intoxication is held, in *Harris* v. *United States* (D. C. App.) 36 L. R. A. 465, to be neither an excuse nor

a palliation for the crime of murder. In a note to this case a great number of authorities are compiled on the question, "What intoxication will excuse crime?"

Breach of contract—Damages.—The sickness and death of children, which are directly due to the failure of a natural-gas company to supply the needed gas for fuel to a dwelling house in winter, when it had assumed to furnish the supply and other fuel could not be procured, are held, in *Coy* v. *Indianapolis Gas Co.* (Ind.) 36 L. R. A. 535, to be elements of damages recoverable from the gas company.

Municipal law.—An ordinance limiting the speed of driving on streets to 6 miles an hour is held, *State* v. *Sheppard* (Minn.) 36 L. R. A. 305, to be inapplicable to a salvage corps responding to an alarm of fire, and as to them it is held that the restriction is unreasonable and invalid. A note to the case shows the other decisions on the regulation of speed of vehicles in streets.

Power to license and exact a reasonable fee for the use of streets and alleys by vehicles is held, in *Tomlinson* v. *Indianapolis* (Ind.) 36 L. R. A. 413, to be within the general power to regulate the use of streets. And the fact that some revenue arises from the licenses is held insufficient to condemn them.

Lease.—The destruction of a substantial portion of leased premises without the lessee's fault is held, in *Wattles* v. *South Omaha Ice & C. Co.* (Neb.) 36 L. R. A. 424, to release the lessee from liability for rent *pro tanto*, unless he expressly assumed the risk of the destruction. This repudiates the common law rule, and approves an opinion of Judge Brewer in a Kansas case, "because it is a magnificent protest against slavish devotion to antiquated rules and . . . because it breathes the spirit of humanity and equity, and is based on a thought of the nineteenth century."

The liability of a municipality for damage to premises by surface water resulting from changing the grade of a street is held, in *Jordan* v. *Benwood* (W. Va.) 36 L.R.A. 519, to be limited to cases in which the water is collected and cast upon the lot in a body or mass; and the mere fact that the surface water is interfered with or its flow increased by a change of grade is insufficient to make the city liable.

For the loss of the fingers of a little child who puts her hand up the spout of a coffee grinder in a store or shop, while there

with her father to make a purchase, it is held, in *Holdbrook* v. *Aldrich* (Mass.) 36 L. R. A. 493, that the shopkeeper is not liable.

The power of a city council to order the destruction of all intoxicating liquors in the city, and pledge the faith of the city to pay for them in anticipation of riot, lawlessness, and mob, as on the evacuation of Richmond, in April, 1865, is denied, in *Wallace* v. *Richmond* (Va.) 36 L. R. A. 554, overruling the prior decision in that state which had been followed by the Supreme Court of the United States in another case growing out of similar facts.

Negligence in pointing a gun at another and pulling the trigger is held, in *Bahel* v. *Manning* (Mich.) 36 L. R. A. 523, to be unaffected by the fact that the person doing it had used the ordinary means of unloading the gun and satisfied himself that it was unloaded. But the fact that the person injured failed to protest or get out of the way when he saw that the gun was about to be snapped, and had time to do so, was held to constitute such contributory negligence as would preclude his recovery of damages from the other.

An aged woman riding in a funeral procession in a carriage driven by her daughter-in-law, when it was struck by a street car at a crossing, is held, in *Johnson* v. *St. Paul City R. Co.* (Minn.) 36 L. R. A. 586, to be not chargeable with negligence, although she did not look or listen for approaching cars, but relied entirely upon the driver.

For fire communicated from a cooking car owned by an independent contractor engaged in cutting wood for a railroad company, it is held, in *Leavitt* v. *Bangor & A. R. Co.* (Me.) 36 L. R. A. 382, that the railroad company is not liable, although it had placed the car on a spur track for the use of the contractor.

A conveyance to a railroad company, releasing all damages sustained or which shall be sustained by reason of the "construction, building, or use" of the railroad, is held, in Fremont, E. & M. V. R. Co. v. Harlin (Neb.) 36 L. R. A. 417, insufficient to preclude the grantor from recovering damages for the negligent maintenance and operation of the road; but the release is treated as equivalent in this respect to a judgment of condemnation.

The assumption by the engineer of a train that a person on the track will get off before the train reaches him is held, in

Gunn v. *Ohio River R. Co.* (W. Va.) 36 L. R. A. 575, to be improper when the person on the track is a child of tender years, or one who is plainly and obviously disabled by deafness, intoxication, sleep, or other cause.

The fact that a woman injured in a railway car was stunned, and after recovering consciousness was still dazed and nervous when a release of damages presented to her in a hospital was signed by her without reading, is held, in *Och* v. *Missouri, K. & T. R. Co.* (Mo.) 36 L. R. A. 442, insufficient to avoid the release, although it was obtained by misrepresenting to her its contents.

ADDRESS TO SIR MELBOURNE M. TAIT.

At the re-opening of the law courts, at Montreal, on the 10th September, the Bar of the City of Montreal presented an address of congratulation to Sir Melbourne Tait, Acting Chief Justice of the Superior Court, upon his receiving the honour of knighthood from Her Majesty the Queen. The honour was conferred on Jubilee Day, but as the Courts were then on the eve of closing for the vacation it was deemed advisable to defer the presentation of the address.

In both numbers and enthusiasm the occasion was a memorable one. Over three hundred members of the Bar were present. On the bench with the Acting Chief Justice were Justices Mathieu, Taschereau, Loranger, Pelletier, Davidson, de Lorimier, Ouimet, Tellier and Curran.

Among the members of the Bar, were: Messrs. C. B. Carter, Q. C., *bâtonnier*; L. J. Ethier, Q. C., treasurer; L. E. Bernard, secretary; G. Lamothe, Q. C.; P. B. Mignault, Q. C.; Harry Abbott, Q. C.; F. J. Bisaillon, Q. C.; F. X. Choquet, Q. C.; Thos. and R. Dandurand, councillors. Hon. A. R. Angers, Q. C.; L. J. Archambault, Q. C.; L. H. Archambault, Q. C.; T. P. Butler, Q. C.; F. de Salle Bastien, Q. C.; J. P. Cooke, Q. C.; P. J. Coyle, Q. C.; G. B. Cramp, Q. C.; L. H. Davidson, Q. C.; E. Lef. de Bellefeuille, Q. C.; John Dunlop, Q. C.; Hon. C. A. Geoffrion, Q. C.; A. W. Grenier, Q. C.; J. S. Hall, Q. C.; J. C. Hatton, Q. C.; H. J. Kavanagh, Q. C.; Jas. Kirby, Q. C.; P. E. Lafontaine, Q. C.; F. S. Lyman, Q. C.; D. Macmaster, Q. C.; R. D. McGibbon, Q. C.; John L. Morris, Q. C.; Hon. L. O. Taillon, Q. C.; N. W. Trenholme, Q. C.; Jas. B. Allan, C. H. Archer, J. G. H. Bergeron, M. P.; A. J. Brown, Chas. Bruchesi, C. S.

Burroughs, J. T. Cardinal, F. J. Curran, A. Chauvin, M.P.; J. G. D'Amour, Peers Davidson, A. E. De Lorimier, R. G. De Lorimier, Ph. Demers, J. A. Drouin, L. P. Dupré, Geo. P. England, Alex. Falconer, Thos. Fortin, M. P.; Aimé Geoffrion, Hon. F. E. Gilman, L. G. Glass, Eug. Godin, M. Goldstein, Ed. Guerin, F. A. Hogle, M. Hutchinson, V. F. Jasmin, Eug. Lafleur, D. A. Lafortune, J. A. Lamarche, P. Lanctot, Hosmer Lanctot, C. Lane, M. G. Larochelle, Louis Loranger, F. S. Maclennan, Archibald McGoun, L. T. Marechal, F. H. Markey, Fred. Meredith, D. Monet, M. P.; D. R. Murphy, J. Adelard Ouimet, G. F. O'Halloran, T. Pagnuelo, E. Pelissier, Camille Piché, A. Plante, G. H. Plourde, N. T. Rielle, C. Rodier, P. C. Ryan, L. W. Sicotte, jr.; E. Surveyer, Horace St. Louis, W. S. Walker, R. S. Weir, W. J. White, Wilfrid Mercier, and many others.

Lady Tait, on her arrival, was received by the *Bâtonnier* and escorted to a seat of honor, where she was presented with a magnificent bouquet. A number of other ladies were present, including Mesdames O'Halloran, Rowand, Hampson, Grant, the Misses Curran, and others.

Sheriff Thibaudeau was in attendance, in his robes of office, as well as Hon. Arthur Turcotte, Prothonotary, and Messrs. Gareau, Lozeau, and Vallée, three deputy prothonotaries. As soon as the judges were seated Mr. Carter, with all the barristers present, rose, and the *Bâtonnier* read the following address:—

Your Honors:

A very pleasing duty devolves upon me to-day at the opening of this Court after the long vacation, it is the presentation of an address of congratulation by the Bar of Montreal to Sir Melbourne Tait, acting Chief Justice of this Court, upon his creation as a Knight by Her Majesty.

I am sure I voice the sentiments, not alone of members of the Bar, but of all who have had to come before the Superior Court, in saying that the judges who have had to preside over our courts during the past few years have had more than their share of work to do.

During the alterations which were made to this Court House, the arrears of cases became something appalling, it seemed an almost hopeless task to overcome them, but thanks to the great administrative ability of our worthy acting Chief Justice, together with the magnificent co-operation given to him by Your Honors, the Superior Court of this district may now be said to

be free of arrears, so that litigants have no cause of complaint of tardy justice. I am sure Your Honors are justly entitled to the greatest praise and the best thanks of the Bar and public for the work you have accomplished.

I should like to refer to the remuneration of the Judges, but I fear this is not the place or the occasion to do so. I will only say that the Bar is almost a unit in saying that your remuneration is altogether inadequate, out of proportion to the labor performed, and I trust that members of the Bar who occupy seats in the Parliament of Canada will not fail in their duty in seeing that justice be done in the matter and a great wrong be righted.

The address of the Bar of Montreal, which I have the pleasure to present I will with your Honors' permission now read.

To the Honorable Sir Melbourne MacTaggart Tait, D. C. L., Knight, etc., etc., Acting Chief Justice of the Superior Court for the District of Montreal:

The Bar of Montreal learned with great pleasure of the honor which Her Most Gracious Majesty conferred upon you in June last, upon the occasion of the celebration of the sixtieth anniversary of her illustrious reign, by elevating you to the dignity of Knighthood, and they take the first opportunity, upon this formal opening of the Courts of the Province to-day, of asking you to accept of their hearty congratulations upon the event.

Your brilliant attainments at the Bar, your devotion to work since your elevation to the Bench, your love of justice, your wide-spread knowledge and your high character as a Judge—combined with all the virtues of a good citizen, designated you as worthy of the Royal favor which you have received.

We are sure that the Bar of Montreal echoes not alone the sentiments of your brother Judges, but of the whole Bar and people of our Province in wishing you in the future, even greater success than in the past, and we pray that you may be long spared to enjoy the honors which you have so justly won.

We ask you to convey to Lady Tait our respectful compliments, and the expression of our sincere wishes for her happiness.

On behalf of the Bar of Montreal.—

C. B. Carter, Bâtonnier.
Arthur Globensky, Syndic.
L. J. Ethier, Treasurer.
L. E. Bernard, Secretary.

Montreal, 10th September, 1897.

Sir Melbourne Tait made the following reply:—

Mr. Bâtonnier and Members of the Bar of Montreal:—

Gentlemen,—I thank you most sincerely for your kind address, expressing your hearty congratulations upon my elevation to the dignity of knighthood, and your appreciation (so much more favorable than I feel I deserve), of my legal attainments and character. It is hard to find words in which properly to express to you how deeply sensible I am of the great honor Her Majesty has been graciously pleased to bestow upon me as the representative of the Superior Court Bench in this part of the province. It is a distinction in which all the members of that Bench as well as of the Bar have a share, for it is a gracious recognition on the part of our Sovereign of the important part which the administration of justice plays in the welfare and happiness of Her subjects, and a striking reminder to those who, as Her representatives, are called upon to discharge that duty, of the tremendous responsibility which rests upon them to see that it is purely and promptly administered.

When I recall the great attainments of my distinguished predecessors who have been similarly honored, I realize how far I fall short of possessing their qualifications for filling the important position I occupy, but at the same time I claim the privilege of saying that I am quite as anxious as any one could be to do the best I can. The fact that you, who have known my career, and who see my work from day to day should consider me in any way worthy to receive this Royal favor, is a source of unbounded satisfaction and encouragement to me. My lines have indeed fallen in pleasant places, for since my appointment as Acting Chief Justice, my able and experienced colleagues (several of whom are my seniors on the Bench), have treated me with the greatest consideration, have given me many valuable suggestions, and have most heartily assisted in every effort to dispose of the heavy list of cases in arrear, and it is to their co-operation and arduous labor that is due the success we have attained in that respect under the new system of hearing cases. I should be ungrateful indeed, if I did not avail myself of the present opportunity of expressing my gratitude to them for their unfailing kindness.

To you, the members of the bar, my warmest acknowledgments are due for your uniform courtesy and for many words of

encouragement culminating in the kind address which you have just presented.

You will perhaps allow me to say a few words regarding the administration of justice in this district. It will be generally admitted that to be effective it should be prompt. Of course this does not mean that there must always be a judge ready to try a case, for that is not always possible, but it does mean that it must be so kept up that cases may be heard within a reasonable time after they are inscribed.

You are all aware also that the business before our Superior Court has enormously increased owing no doubt to the great growth of the city and its wonderful expansion as a commercial, railway and shipping centre. I have not verified the fact, but it has been authoritatively stated that more than half of the legal business of the province is done here. Without going into detail on this point, I might refer for instance to the great amount of work thrown upon the Court of Review by being created a court of final resort in city expropriations and municipal cases, and by the change in the law granting an appeal direct from that Court to the Supreme Court of Canada, and to Her Majesty in Her Privy Council. In fact it is only necessary to glance over our legislation of late years to see that the intervention of the Court or of a judge is now required in a great many more cases than formerly. It has also to be remembered that in this province in ninety-nine civil cases out of a hundred, the judge has to decide the facts as well as the law.

Apart from this district there are ten others in what may be called the "Montreal Review Division," presided over by nine judges, one of whom is authorized to reside in Montreal. I believe that with the exception of the district of St. Francis, the judicial work of these districts does not nearly occupy the time of the resident judge, and in view of the great increase of it in Montreal it appears to me that the time has fully arrived for a re-adjustment of judicial labor so that it may be fairly and equally distributed.

While it is right and proper that justice, civil and criminal, should be administered in each district, I do not know of any paramount reason why a judge should be required to reside in any of these districts, with the exception of St. Francis and perhaps of Ottawa. In the former the work is too heavy for one judge, who has seven Circuit Courts to attend besides the one at

the chef-lieu; in the latter the judge has under his charge the district of Pontiac. In every other district a judge can leave Montreal in the morning and reach the chef-lieu in time to open the Superior Court. We have judges who render us assistance who leave their districts in the morning and return to their homes the same afternoon. I think that all of them except those serving in the two districts which I have named, might with great benefit to the administration of justice reside in Montreal and the work be done from the city under the direction of the Chief Justice. Nothing but good could result from the close association and conference between the judges such a state of things would bring about, and amongst other benefits uniformity of practice would be established, deliberation in review cases would be facilitated, and above all we would have the constant assistance of these judges in the work here where it is much required, and the result would be a much fairer distribution of labor. Moreover, I believe that such a change instead of retarding the work in the country districts would give it a fresh impetus. I should be glad indeed if, as an experiment, a few, at any rate, of these outside judges who live nearest to Montreal could be brought here to reside, and the work of their districts be attended to in the way I have suggested.

It is true that there are some thirty Circuit Courts apart from those at the chefs-lieu. I think, however, that it would be quite possible to have these satisfactorily attended to by the Superior Court judges from Montreal if necessary, but I am strongly of opinion that they should be relieved from sitting in the Circuit Court in the country parts as they have been relieved from doing in this city. In all other provinces except Manitoba, the judges of the superior Courts are not called upon to administer justice in the inferior Courts. As the law now stands, the Circuit Court at the chef-lieu of each district has only jurisdiction in cases under one hundred dollars, while in the counties it has jurisdiction up to two hundred dollars. The proportion of cases between one hundred and two hundred dollars cannot be very large, and I think that no injustice could result from reducing the jurisdiction of the county Courts to cases under $100, and increasing the jurisdiction of the district magistrates so as to enable them to take all the work of the Circuit Court. If it is not desirable to alter the jurisdiction of the court, then the jurisdiction of the district magistrates might be enlarged so as to cover all cases therein subject to the review that now exists.

I believe that the adoption of these suggestions would improve the administration of justice in this section of the province.

Under whatever system we may work, we shall always require your hearty co-operation, and having had your valuable assistance in the past, we feel we may confidently rely upon it in the future.

Gentlemen, again let me thank you from the bottom of my heart for the kind words which you have spoken to me to-day; they will never be effaced from my memery.

It will not be necessary for me to convey to Lady Tait your kind message, for she is present, and has listened to the address with, I am sure, as much pride and pleasure as I have. On her behalf I beg also to thank you for the kind wishes you have expressed for her happiness.

The *Bâtonnier* then presented to their Honors several newly admitted members of the Bar, who were appropriately welcomed by Sir Melbourne, and the proceedings came to an end.

GENERAL NOTES.

MORAL AND INTELLECTUAL INJURY.—Sir Theodore Martin, writing to the *Times* on the Transvaal indemnity, says: The claim of Mr. Kruger to be indemnified for "moral and intellectual injury" reminds me of the item in the professional account of an Edinburgh W.S., which came under my notice in the days of my legal apprenticeship in that city. At the end of a well-charged bill of costs against his client was added an item, not a small one, "To great personal anxiety and fatigue in the management of your affairs."

Gen. Butler was riding to town in a Cambridge car. He was busily engaged in reading a book of legal appearance, when James Russell Lowell entered the car. "Ah, general," was his greeting: "are you reading law?" "No," was the reply; "only Supreme Court decisions."

A WEALTHY JUDGE.—The late Lord Justice Kay left personal estate of the value of £203,404.

JUDGES AND THE PRESS.—The Master of the Rolls has always expressed a strong contempt for newspaper criticism. The best answer to any idea that a judge cared about a newspaper article was, he told a Mansion House audience some years ago, an anecdote he recollected of a rather cynical brother of theirs who, when he was told that he had been praised in a newspaper

article, said, "Good heavens, my dear fellow, did I make a fool of myself?" Judges, if they thought of it, could not be popular if they did their duty. The man whom they sentenced to be hanged would not like them very much; neither would the man whom they sentenced to penal servitude for life.—*Law Journal.*

VACATION WORK.—To the story of the vacation judge who, followed into the sea by a persistent barrister, granted an injunction in a bathing costume, is added the story of a judge who was pursued in the hunting field by a solicitor in urgent need of an order. On arriving at the country house at which the vacation judge was spending his leisure days the solicitor heard that his lordship had started off with the hounds. Nothing daunted, he hired the fastest horse in the village, and, after a run of forty minutes, came up with the hunt. It took him ten minutes longer, however, to reach the judge, who was showing a clean pair of heels to all the laymen. "In the name of the law, m'lud, stop," exclaimed the attorney, as he caught the bridle of the judge's horse. The scarlet-clad judge instantly drew rein, hastily scanned the affidavits placed in his hand, wrote the desired order with a fountain pen, threw the documents back to the solicitor, put spurs to his mare, and rode away to the music of the hounds.—*Ib.*

A LEGAL DISPENSARY.—Some French lawyers are trying the experiment of giving legal advice free at the Palais de Justice, on the same principle as medicine is dealt out at dispensaries. The idea is a revival of the Bureau of Charitable Jurisprudence, planned by the Constituent Assembly in 1790, and it has been in operation for nearly two years. There are several departments, each managed by a lawyer of ten years' standing, with two younger men as his assistants. The office is open one morning and one afternoon a week. Last year, from January to December, 1964 persons applied for advice; 1600 of them merely wanted answers to some legal question; 17 were lunatics, and 37 well to do people were seeking assistance under false pretences. The lawyers took up, however, 166 delicate and complicated cases, and succeeded in settling 61 of them to the satisfaction of their clients; the other 105 were lost after a trial.

AN INTERVIEWER DEFEATED.—Sir Frank Lockwood, Q. C., in the course of his last American trip, was asked, "Are you for gold or silver?" Sir Frank was little disposed to commit himself to a discussion of American politics, and airily replied, "Why, I am for both, of course, and for just as much of either as it is possible to obtain.