The Legal News.

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The *Law Journal* (London), referring to the decision in *Armstrong* v. *Mills et al.*, which will be found in the present issue, says:—"After thirty-eight years' criticism, the doctrine of *Thorogood* v. *Bryan*, 18 Law J. Rep. C. P. 336, which, familiarly illustrated, is that a man on an omnibus has his driver's negligence attributed to him in any collision with another omnibus, has fallen to the ground by the decision of the Court of Appeal, unless, as is not likely, the House of Lords should set it up again. From Baron Parke's *quære* in his copy of 'eighth Common Bench,' which the research of Lord Esher has unearthed, to the decision of the Supreme Court of the United States in *Little* v. *Hackett*, the doctrine has over and over again been disputed. It is now authoritatively overruled, and the agreement on the subject of English-speaking lawyers will probably be gratifying across the Atlantic, where they led the way."

An interesting move has been made in England in the establishment of a society dealing with the history of English Law. On the 29th January a meeting was held in Lincoln's Inn Hall, at which the following resolution was passed: "That it is desirable that an association be formed in order to encourage the study and to advance the knowledge of the history of English law." Lord Justice Fry said that though most of those present had a great deal to do with English law practically, yet he was not ashamed to own that he himself had much to learn respecting its history in early times, and he was afraid that, if the truth must be spoken, England was in danger of being outstripped in this branch of study by America in the persons of Mr. Bigelow and Judge Holmes, and also by Germany; and he concluded by expressing an opinion that it was quite time that steps were taken to do away with this reproach. Chief Justice Coleridge proposed that the society be called the "Selden Society," and the suggestion was adopted. He said that many men who had been engaged for a long period of their lives in the practice of the law were almost without a knowledge of its history. In early life most of them learned what it was necessary to learn for the purposes of practice. If practice came and their time was taken up in reading briefs and discharging their duty, it was impossible for such men to read very widely or to grasp the principles which they knew experimentally rather than scientifically. Anyone who had had, as he himself had had for some years past, to administer a great system like that of the English law, must feel how important it was to know the history and the principles of law—to know the origin of a practice, and to know what was the fountain-head of a principle which was to be applied—because it was only by the knowledge of history that they could be preserved from the misapplication of principles.

The records in the six telephone cases which have just been heard before the U. S. Supreme Court comprise 25,000 pages of printed matter. The argument began January 24, and was concluded February 8. In these suits the claims of the Bell Telephone Company, which thus far have controlled the business, are contested. The decision will be the first that has been rendered by the Supreme Court in this important series of suits.

The question of judicial remuneration is one which perpetually recurs. In some of the great States of the Union the scale is less generous than in Canada. In Illinois, for instance, the judges of the highest court in the State, who receive only five thousand dollars per annum, are obliged six times a year to make a circuit of the places where courts are held, entirely at their own expense. Every day that they are away from home is so much deducted from their salary. And, worst of all, at the end of their service no pension awaits them. In Pennsylvania the salary is larger, but there is no pension on retirement. A bill has been introduced recently to supply this deficiency in the judicial system. The *Bulletin* of Philadelphia says:—

"The fear of living to an age when he would be helpless to the public and without the means of support did much to harass the mind of one of the noblest and most upright gentlemen that ever sat upon the Philadelphia bench, and the eyes of others who strove hard to do their duty have been turned toward the path of political preferment solely because of a natural desire to support their families in comfort, and to feel that they may be free to provide for a time when infirmities or natural decay will cut off their usefulness on the bench."

COURT OF REVIEW.

QUEBEC, November 30, 1886.

Before STUART, CH. J., CASAULT, J., CARON, J.

NOLET v. BOUCHER.

Sale—Clause résolutoire—Third person—Action en réintegrande.

HELD:—*(reversing the judgment of the Court below, Casault, J., dissenting),* 1o. *When in a deed of sale of an immovable there is a resolutive clause to the effect that a failure to pay, on the appointed day, any one of the instalments of the price of sale should operate as a rescision de plano of the contract of sale, and that the vendor should, in such case, have the right, without being obliged to have recourse to law, to resume possession of the immovable,—that even, on the supposition of the contract being pleno jure null, the right of re-entering into possession cannot be exercised by a person not a party to the contract, but to whom the price of sale had been made payable;*

2o. *That the possessor of the immovable, who held possession under a lease from the vendee, and who had been dispossessed by such third party, has a right to the action en complainte et réintégrande.*

The judgment is as follows:—

"Considérant qu'il parait, par la preuve au dossier, que le demandeur est devenu propriétaire de l'immeuble dont il réclame la possession par sa présente action en vertu d'un acte de vente en date du 11ème jour de juillet 1882;

"Considérant que le demandeur, après avoir pris possession de cet immeuble, le donna à ferme à un nommé Laroche, lequel en fut expulsé vers le mois de mai, 1884, par le défendeur, qui s'en empara, le demandeur étant alors aux Etats-Unis;

"Considérant que, nonobstant la clause résolutoire contenue dans le dit acte de vente, faute de paiement de partie du prix, le défendeur, qui n'était pas partie au dit acte, n'avait aucun droit de s'emparer du dit immeuble contre le gré du demandeur;

"Considérant que le défendeur, n'ayant pas lui-même vendu cet immeuble au demandeur, n'aurait pas pu le poursuivre pour s'en faire déclarer le propriétaire, en admettant que le dit acte aurait été nul de plein droit;

"Considérant que le demandeur a le droit d'être réintégré dans la possession du dit immeuble;

"Considérant qu'il y a erreur dans le jugement rendu en cette cause par la Cour Supérieure, à Arthabaskaville, le 10ème jour d'avril 1886;

"Casse et annule le dit jugement, et procédant à rendre le jugement, que la dite Cour aurait dû rendre, renvoie les défenses du défendeur et maintient l'action du demandeur, partant déclare le demandeur possesseur de l'immeuble suivant, savoir; etc., fait défense au défendeur de troubler le demandeur dans la possession du dit immeuble, réintègre le dit demandeur et le maintient dans la paisible possession du dit immeuble."

Crépeau & Côté, for plaintiff.
Laurier & Lavergne, for defendant.
(J. O'F.)

SUPERIOR COURT.

QUEBEC, February 3, 1886.

Before ANDREWS, J.

PARADIS v. J. LÉGARÉ et al., & O. LÉGARÉ, *adjudicataire* and petitioner to annul sale, & J. LÉGARÉ, contesting petition.

Sheriff's sale—Nullity.

HELD:—*Upon a Sheriff's sale of an immovable described by the cadastral number, the advertisement stating the metes and bounds and the area, as set forth in the book of reference, that if it appear, upon a petition of the*

purchaser to annul that sale, that, between the date of the publication of the cadastre and the date of the Sheriff's seizure, a portion of the immovable so sold, as a whole, by the Sheriff, had been acquired by a third person, not a party to the suit, and had, since its acquisition, been in the possession of that third person, the Court will (1) *annul said sale,* (2) *order the Sheriff to return to the purchaser the amount of his adjudication, and* (3) *condemn the defendant contesting the petition to pay the costs of that contestation, and the plaintiff to pay the costs of an uncontested petition to annul a Sheriff's sale.*

The judgment is as follows:—

"Considering that the said *adjudicataire*, Olivier Légaré, petitioner *en nullité de décret*, has proved the material allegations of his petition, and more especially that he cannot obtain possession of the immovable purporting to have been sold and adjudged to him by the Sheriff in this cause, and that the portion of the said immovable, to wit: of number 186 of the cadastre of the parish of Charlesbourg, of which the said *adjudicataire* could legally obtain possession under the said adjudication, *differs so much* from the description given in the minutes of seizure of the property purporting to be seized and sold, to wit: *the whole* of said lot, cadastral No. 186, that it is to be presumed that the said petitioner would not have bought it, had he been aware of said difference;

"Considering that the defendant has wholly failed to make any proof of the allegations of his contestation of the said *adjudicataire's* petition *en nullité de décret*, the said contestation is dismissed with costs against the said defendant; the said petition is maintained with costs against the said plaintiff, as if uncontested; and the said sale and adjudication to the said petitioner are hereby annulled; and the Sheriff of this district is ordered to return to the said petitioner, Olivier Légaré, the sum, which, as such *adjudicataire* of said lot, he had paid to said Sheriff, to-wit: the sum of $850."

Morrissette & de St. George, for purchaser.
Hamel & Tessier, for defendant contesting.
(J. O'F.)

SUPERIOR COURT.

ST. JOHNS, Dist. of Iberville, Feb. 17, 1887.

Before LORANGER, J.

ATLANTIC & NORTH-WEST RY. COMPANY, Expropriating parties, and GEORGE WHITFIELD, proprietor.

Consolidated Railway Act, 1879, (*D.*)—*Deposit in chartered bank.*

HELD:—*That the railway company has the right to withdraw from the Bank the money which has been deposited by order of the Judge, as security to the proprietor when a warrant of possession is granted under sec. 9, sub-sec. 34 of the Railway Act, when it is shown that an award has been rendered by the Arbitrators, and the amount of the award with interest has been deposited in Court under the provisions of sec. 9, sub-sec. 28 of the Railway Act,—notwithstanding the fact that the proprietor has taken an action to set aside the award.*

The railway company deposited in the Merchants Bank of St. Johns, the sum of $5,000 as security to this proprietor, as required by a judgment granting to the railway company a warrant of possession of the land to be expropriated.

Subsequently an award was rendered by the arbitrators named by parties, a copy of which award was served upon the proprietor, and as the latter refused to accept the amount awarded, the railway company, finding that a large mortgage existed on the expropriated land, took the necessary measures to obtain a ratification of title, and under sec. 9, sub-section 34 of the Railway Act, deposited in Court the amount of the award, with six months' interest, and filed with the deposit a copy of the notarial award, after having given notice of this procedure to the proprietor, and to the prothonotary. The railway company then applied to the Judge, asking for the withdrawal of the money deposited in the bank, as the requirements of the Act had been complied with, and the proprietor objected on the ground that he had refused to acquiesce in the award, and that he had actually taken proceedings and had served an action to set it aside, arguing that in the event of his suc-

ceeding in obtaining a larger compensation for his lands, the amount deposited in Court would not give him sufficient security.

The learned Judge held that the Act provided for the deposit of the money in Court, in the event of a refusal on the part of the proprietor to accept the amount awarded, or when the railway company had reason to fear that any claim, mortgage or incumbrance existed on the property, and that as the Act did not go any further, he could not refuse the application, and ordered that the money deposited in the bank be returned to the railway company.

R. T. Heneker, atty. for railway company.

Trenholme, Taylor, Dickson & Buchan, attys. for proprietor.

(R. T. H.)

COURT OF APPEAL.

LONDON, Jan. 24, 1887.

Before LOLD ESHER, M. R., LINDLEY, L. J., LOPES, L.J.

SHIP BERNINA. ARMSTRONG ET AL. *v.* MILLS ET AL.

Action for Negligence—Contributory Negligence of Persons in charge of vessel in which Plaintiff is—Action under Lord Campbell's Act in Admiralty Division — Judicature Act, 1873, *s.* 25, *subs.* 9.

These were three actions brought *in personam* under Lord Campbell's Act by the personal representatives of Armstrong, Owen, and Toeg respectively, to recover damages sustained by the deaths by drowning of these persons in consequence of a collision between the defendants' steamship Bernina and the steamship Bushire. Both vessels were to blame for the collision. At the time of the collision, Armstrong was one of the crew of the Bushire, as first engineer, but was off duty and had nothing to do with the negligent navigation of the Bushire, which partly caused the collision. Owen was, also, one of the crew, as second officer, and was directly responsible for the negligent navigation of the Bushire. Toeg was a passenger on the Bushire, and had nothing to do with her negligent navigation.

The actions were brought in the Admiralty Division, and the facts were stated in a special case for the opinion of the Court, and the questions were—(1) Whether the defendants in each of the three cases were liable for the damages sustained by the respective plaintiffs, and (2) whether, if liable, the defendants were liable for the whole of the damages or a moiety only.

Mr. Justice Butt being of opinion, upon the authority of *Thorogood* v. *Bryan*, 8 C. B. 115; 18 Law J. Rep. C. P. 336, that the defendants were not liable, and that the cases were not within the Judicature Act, 1873, s. 25, subs. 9, gave judgment for the defendants.

The plaintiffs appealed.

T. Bucknill, Q. C., and *Nelson*, for the plaintiffs.

Sir Walter Phillimore, Q. C., and *Gorell Barnes*, for the defendants.

Their Lordships held (overruling *Thorogood* v. *Bryan*) that the representatives of Armstrong and Toeg, who were not guilty of any negligence, were not precluded from recovering in the action by reason of the negligence of those in charge of the Bernina at the time of the accident. Their lordships, therefore, allowed the appeal in those cases. Their lordships also held that cases under Lord Campbell's Act are common law, and not Admiralty, actions, and are not within section 25, sub-section 9, of the Judicature Act, 1873.

COURT OF APPEAL.

LONDON, Jan. 27, 28, 1887.

Before COTTON, L.J., LINDLEY, L.J., LOPES, L.J.

In re VAN DUZER'S TRADE-MARK.

Trade-mark—'Fancy word'—'Melrose'—Geographical Name—Patents, Designs, and Trade-marks Act, 1883.

Appeal by the Comptroller-Generals of Patents, Designs and Trade-marks from a decision of BACON, V.C., reported 55 Law J. Rep. Chanc. 812, in which he held that a dealer in perfumery might register as a trade-mark the words 'Melrose Favorite Hair Restorer,' the word 'Melrose' not being in common use in the perfumery trade, notwithstanding that it was in common use to designate a town in the United Kingdom.

Sir R. Webster, Q. C. (*Attorney-General*), *Sir H. Davey, Q.C.*, and *Ingle Joyce* for the Comptroller-General.

Aston, Q.C., and *Sebastian* for the respondent.

Their LORDSHIPS held that 'Melrose' was not a 'fancy word' and could not be registered as a trade-mark, and allowed the appeal.

HIGH COURT OF JUSTICE, QUEEN'S BENCH DIVISION (21 C.L.J. 154).

TORONTO, March 11, 1886.

Before GALT, J.

LEA v. THE ONTARIO AND QUEBEC RAILWAY CO.

Interest payable on award out of moneys paid into Court.

Where money is paid into Court under sub-sec. 28 of sec. 9, Con. Ry. Act (D.) 1879, by a Railway Company, as security for the compensation of land expropriated by them, pending an arbitration to ascertain such compensation; on such amount being ascertained, the owner is only entitled to the current rate of interest on the fund in Court, and not to legal interest.

The Ontario and Quebec Railway Company on 25th April 1883, paid into the Canadian Bank of Commerce, the sum of $8,000 under the direction of the judge, pursuant to subsection 28 of section 9 of the Consolidated Railway Act, 1879, as security for the lands of one John Lea, expropriated by them for the purposes of their railway, and thereupon obtained an order for immediate possession of the said lands. The money remained on a deposit receipt in the bank to the joint credit of the land owner and the company, bearing interest at 4 per cent. Subsequently, on January 1st, 1884, the amount of compensation coming to the land owner was ascertained to be $3,792 by arbitration under the provisions of the Act.

Afterwards, on March 13th, 1885, on motion by both parties for payment out, the question arose as to what rate of interest the land owner was entitled to.

GALT, J. (following *Great Western Railway Co.* v. *Jones*, and *Wilkins* v. *Geddes*, 3 S. C. 216), made an order for payment to both parties of their respective shares out of the $8,000, with interest at the rate of 4 per cent, from date of the taking of possession of the land by the Company.

Shepley, for the land owner.

MacMurchy (*Wells & Co.*) for the company.

APPEAL REGISTER—MONTREAL.

Tuesday, February 22.

McDonald & Canada Investment Co.—Judgment reversed.

Webster & Dufresne.—Judgment confirmed.

Exchange Bank & Carle.—Judgment confirmed.

Corporation of Sherbrooke & Short.—Judgment reversed.

Weir & Winter.—Judgment reversed.

Blondin & Lizotte.—Judgment reversed.

Burroughs & Wells.—Judgment confirmed.

South Eastern Railway Co. & Guevremont.—Judgment confirmed.

Corporation des Commissaires d'Ecole & La Cie des Abattoirs.—Judgment confirmed.

O'Brien & Semple.—Judgment reversed.

Barré & Lapalme.—Heard on motion for leave to appeal. C.A.V.

Nash & Sternberg.—Motion to dismiss appeal granted.

The Court adjourned to March 15.

IS SHAMPOOING A NECESSARY?

At the Brompton County Court, on Wednesday, December 22, before his Honour Judge Stonor and a jury, the case of *Lucretia Canham* v. *The Hon. F. C. Howard* was tried. The plaintiff, a professional rubber and shampooer, sued the defendant for the sum of 35*l.* for shampooing his wife, Lady Constance Howard, on numerous occasions during the years 1883 and 1884. The shampooing had been originally ordered by Dr. Whatman Wood. The action was commenced in the High Court, and the defendant had pleaded never indebted, and the issue was sent for trial by this court. It appeared by the evidence that on their marriage, the defendant had prohibited his wife from pledging his credit, the lady having a separate income of her own of 200*l.*, and the defendant paid all expenses of house-keeping out of an income of 300*l.* per annum. The

defendant deposed that he had never in fact pledged his credit to the plaintiff; and there being no evidence to the contrary, that was admitted. The defendant's wife deposed that the debt in question was hers, that she had reduced it from its original amount by a payment of 5*l.*, and had promised and intended to pay the whole amount, but had not yet been able to do so, her income being insufficient. Counsel for the defendant cited the cases of *Jolly* v. *Rees*, 33 Law J. Rep. C. P. 177, and *Debenham* v. *Mellon*, 50 Law J. Rep. Q. B. 155 (in the House of Lords), and submitted that the latter was exactly in point. Counsel for the plaintiff contended that, according to the case of *Debenham* v. *Mellon*, a husband was not liable for necessaries supplied to his wife when she had sufficient means, but that he was so liable if she had not sufficient means, and that, in the present case, the shampooing was a necessary, and the lady's means insufficient; or, at all events, that these were proper questions for the jury.—His Honour said he was disposed to enter a nonsuit, as there was no evidence of the necessity of of the shampooing in the first instance, or, at all events, of its continuance for two years. He also thought that, out of the lady's income of 400*l.* for two years, she had clearly sufficient means to have paid the plaintiff's bill of 35*l.*, or, at all events, that there was no evidence to the contrary. At the request of counsel, however, and in order that the case might go in a complete state before the High Court, he left four questions to the jury, to which they replied as follows: 1. Did the defendant pledge his credit?—No. 2. Did the plaintiff give credit to the defendant's wife in the respect of her separate income?—No. 3. Was the rubbing or shampooing a necessary?—Yes. 4. Had the defendant's wife sufficient means to pay for the same?—No. And his Honour entered a verdict for the plaintiff accordingly, the defendant giving notice of appeal.

SERGEANT BALLANTINE.

Sergeant Ballantine belonged to an era in the history of the bar which has not only passed away, but which has been succeeded by another which has passed away. Of his own contemporaries, Serjeant Parry is dead, Mr. Justice Hawkins and Baron Huddleston are on the bench, and Lord Halsbury is on the woolsack. Of their successors by rather a long interval (for Serjeant Ballantine was old enough to have been the pupil of Barons Platt and Watson), Mr. Douglas Straight 'shot madly from his sphere' to a seat on the bench at Allahabad, and Mr. Montagu Williams finds himself quietly ensconced in the magistrate's chair at Woolwich. Serjeant Ballantine, with his contemporaries already mentioned, was among those who soon advanced beyond the practice of the criminal law and entered upon more remunerative business, but while at the Old Bailey and the Sessions House, they played all the forensic parts of the Criminal Courts. Their best *rôle* was that of defenders of prisoners, but they were equally at home in prosecuting them. Their representatives of to-day are perhaps too apt to become specialists, even in a special branch of practice. They are divided into prosecuting counsel and defending counsel, and the result is a deterioration of both. The result is due to a large extent to the monopoly which the Treasury has obtained of all prosecutions of a serious kind. The criminal classes are, for example, hardly likely to choose Mr. Poland, whom they see daily making gaps in their ranks under the inspiration of a Treasury brief, to defend them if they should find him not engaged on the other side. The practice of always prosecuting and never defending, and *vice versâ*, has a tendency to embitter the proceedings, and a change from the one to the other is healthy for the individual and is in accordance with forensic habits and the genius of the law. The institution of a Public Prosecutor of late years has, perhaps, necessarily given rise to a class of counsel like the substitutes of *Procureurs-Généraux* abroad. No complaint is to be made of them, but the institution has a tendency to narrowness. The best corrective is to let it be understood that young counsel must win their spurs by defending well, and for the Treasury to give its retainers to the rising defenders of prisoners somewhat on the principle that an old poacher makes the best game-keeper.

Serjeant Parry's talent lay in declamation and in appeal to the feelings which came from his own heart; the characteristics of Serjeant Ballantine, though less conspicuous, were rarer, and had an original flavour of their own. Serjeant Ballantine was not an actor who pretended to feel what he did not, but one who pretended to be much inferior to himself. This appeared in the robing room and at the club, for the serjeant could not be so cynically wicked as he ingenuously professed. In Court it was the serjeant's way to lie low. When he examined a witness, he would assume an expression of vacuity which disarmed opposition. With a drawl and a stutter he would put questions of so apparently artless a kind that witnesses had not the heart to deny a gentleman who was probably doing his best, however stupid he was. In this power of drawing out witnesses he was something like the late Sir John Holker, but Sir John's heavy manner was natural, while that of Serjeant Ballantine was assumed, although so inveterately as almost to be a part of himself. The initiated could see, by a little jerk in his lip, when he had made a point, and he would finally dismiss the witness with an affected 'Thank you,' having extracted everything that was necessary to his case. Like all good cross-examiners, Serjeant Ballantine was great in examination-in-chief. In cross-examination he seldom put a dangerous question. In criminal cases, which are all very much of a pattern, he was believed to be possessed of a series of questions the answers to which, if given either way, would help his case. In cases involving the relations of the sexes, Serjeant Ballantine was especially at home, a wide experience of life having given him the key to a large range of human motives. He was not one of those advocates who believe in their clients because they are theirs. The Claimant could not have had a greater contrast in this respect than when he changed Ballantine for Kenealy. His fault was rather not to believe in the good motives of anyone, last of all of his own client. This habit was not on all occasions pleasing to his clients. Serjeant Ballantine was counsel in the Divorce Court for a petitioner against whom the plea of connivance was set up. In his speech to the jury, he dwelt much on the apparent fact that his client was a fool, equalled only in folly by his mother. In going out of Court, the petitioner pathetically appealed to his friends whether it was for this that he had paid the serjeant two hundred guineas—that not only he should be abused as a fool, but his poor mother too. The client possibly thought that the serjeant had an Oriental way of including a man's ancestry in comprehensive abuse; and the reflection that he had won his case would have soothed him more if he could have seen that he could not have won it without deserving these hard names. It was this same petitioner who by his reluctance to give his evidence in the presence of ladies, drew from Serjeant Ballantine the famous ejaculation that the ladies came to hear, and that they ought not to be disappointed. Whether the Gaekwar of Baroda fared better than less exalted clients, was a State secret not disclosed, but a characteristic story is told of the voyage to India. The solicitor who instructed Serjeant Ballantine and his son thoughtfully provided a book-box containing 'the Penal Code,' 'the Evidence Act,' works by Currie and others, and digests of Indian reports, in the hope that the Serjeant would indulge his leisure on board ship with study. When the box was opened at Bombay it was found to contain French novels, an emendation which the Serjeant was tempted to make in passing through Paris. In the *Mordaunt Case*, Serjeant Ballantine exhibited self-denial where smaller men might have succumbed to temptation. When the Prince of Wales had given his evidence, it was open to the Serjeant to cross-examine him, but he simply said, 'I have no question to ask.' These were the palmy days of a contemporary, which in its pilgrim's progress through society gives us a sketch of a prominent person every week, and straightway a portrait of Serjeant Ballantine appeared with the legend, 'He declined to cross-examine a prince.' Serjeant Ballantine made considerable mark in civil cases not of the heavy kind, such as the case of Risk Allah Bey, but he was most at home in cases like the Müller case and the Brighton poisoning case of 1872. The Overend-Gurney case, in which he held a brief, was a little out of his beat.

Serjeant Ballantine in his prosperous days,

no doubt, made a great deal of money at the bar, especially when he extended his practice from the Criminal Courts in which he had earned his fame. His talent in the extraction of evidence was utilised in most branches of law, including election petitions and railway cases. His cross-examination of surgical experts, called in cases of compensation for personal injuries to swear up to the 'railway shock,' was always enjoyed by the junior bar and the jury. It was this latter branch of practice which clung to him last, but to his old habits of repugnance to work and inattention to detail, there was at last added a failure of brain power, so that he retired from practice. The money he had made was usually spent as soon, or before. A man who will buy a theatre and make a present of it is not likely to save money. Fortunately, in view of this lavishness, Serjeant Ballantine's son was well provided for, having married the widow of a rich man, Mr. Mitchell, at one time member for Bridport, and his son's well-being was a great consolation to the serjeant's latter days. Great lawyer he never was. He used to boast: 'Thank heaven, I know a little of everything, except law.' Sometimes his cases brought him before the Courts in Banco or even the Exchequer Chamber, where his great adroitness made up for his innocence of law. When very hard pressed and convicted of uttering a startling infraction of elementary law, he would remark blandly, 'Of course, my lord, it is as your lordship says. I had forgotten. There is that case in the Exchequer.' Whilst he was about it, he did not hesitate to vouch the authority of this most technical of the Courts. Of course he frequently gave offence. Cynicism appeared to be a matter of absolute conviction with him, and he could be bitter towards those he did not love. The only occasion on which he was accused of making a long speech was when he unduly occupied the attention of the judges of the Court of Common Pleas while Sir John Coleridge, their Chief Justice elect, was outside in Westminster Hall on a November afternoon, shiveringly awaiting his turn to go through the ceremony of admission as a serjeant. Whatever may be said of the late sergeant, he was intellectually and morally honest. No one has suggested that he ever took an unfair advantage of an opponent in Court. His trustworthiness with other people's money is shown by his success as treasurer of Serjeant's Inn, which he gave up to go to India, and which was reserved for him till he came back. When the property of the Inn was divided, Serjeant Ballantine was not the man to compromise with his conscience by putting his share of the spoil in a missionary box. He had the full courage of his opinions, and spent it on his own amusements. In his last days he wrote a book of Reminiscences which, although amusing, did not read as the sergeant talked; and his attempt to appear in the United States as a lecturer was a failure. His death removes from conversation much of the bitter flavour which is not uncongenial to the lawyer's taste. He was an advocate of consummate skill, and as such added lustre to the bar.—*Law Journal* (London).

THE LAW'S DELAY.

To the Editor of the Legal News:

SIR,—Cases inscribed for Enquête and Merits in November have been fixed for hearing some time in March. The February roll was not concluded and part of it had to be continued to March. Cases inscribed in December may have a chance to be heard in April. There are 75 cases fixed for next month, and there are as many more inscriptions filed and standing over. Debtors become aware of these delays and are not slow to profit by them. I have a case now, where the debt is admitted, yet, the knowing defendant pleads and laughs in his sleeve, as he thinks of the three or four months grace he will have before a judgment could be procured against him, giving him ample time to dispose of his assets in the ordinary way.

Great things are expected of our new Government; here is their opportunity. Let them take immediate steps to prevent the administration of justice in Montreal from becoming—what it now nearly is—a farce.

NEMESIS.

Montreal, Feb. 24.