THE

LEGAL NEWS.

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CURRENT TOPICS AND CASES.

An unsatisfactory feature of the annual report of the bar of this section is the large number of complaints which have been made against members during the past year. The mere investigation of these charges has become a serious business. Moreover, the knowledge that such cases are of frequent occurrence excites the distrust of the public, and works injury to all practising advocates. The whole subject deserves the serious consideration of the council in the interest of the profession.

The number of cases reported in places comparatively thinly populated, like this province, or the province of Ontario, offers a striking contrast to the number reported in an old and densely peopled country like England. The English Law Reports for the year 1893 contain only 484 cases for all the courts. The Quebec Law Reports for the same period comprise 327 cases. In 1892 the number was 324. So that for a population of a million and a half the number of cases reported is nearly as great as for a population of thirty millions. One of the principal causes of this is the large number of judges of co-ordinate au-

thority sitting singly, to which must be added the little weight given by judges to the decisions of their colleagues, and the constancy with which they adhere to their own views, even after (in some instances) being overruled by the Court of Appeal. Lawyers know this, and love to pile up as many citations as possible in favor of their side of any particular question, hoping to prevail by dint of numbers, just as one witness after another is often called to give evidence of the value of real estate, in the expectation that the other side will be overwhelmed by the multitude of witnesses. And in order to be able to cite the cases, lawyers wish them all to be reported, but meanwhile the science of the law makes little progress compared with the number of decisions.

Mr. David Dudley Field was a remarkable example of mental and physical vigour. He was born Feb. 13, 1805, and was therefore in his ninetieth year on the 13th April last, when he died somewhat suddenly of an attack of pneumonia. He had just returned from Europe where he had passed the winter. He got a chill in driving from the steamship landing to his residence, and died within forty-eight hours. Mr. Field commenced the study of the law in 1825, was admitted to practice in 1828, and settled in New York. His name is chiefly associated with the cause of codification and law reform, but apart from this supreme object of his life he was an able and gifted advocate and counsellor, and for more than forty years held a leading position at the bar of New York.

The Court of Appeal (Montreal, 28 April, 1894) unanimously affirmed the judgment of the Court of Review in *Roch* v. *Thouin*, reported in 3 C. S. 141. The court referred to the case of *Pacaud* v. *Constant*, which was noticed at length in Vol. 16 of this publication, pp. 325, 326.

In *Lahay* v. *Lahay*, decided by Mr. Justice Tait at Sherbrooke, March 6, 1894, an interesting question of status came up. The mother of the plaintiff, when he was about seven years old, was married by the defendant. Six years later the plaintiff was baptized, and in the act of birth he was described as the son of the defendant and his wife, who were both present at the ceremony and signed the act of birth. Plaintiff continued to live with them as a member of the family until he was 18 or 19 years of age, when he went away to the United States. After his mother's death he claimed not only the real estate owned by her before her marriage, but also one half of the community which had existed between her and the defendant. The latter pleaded that the plaintiff was not his child, and that he had never intended to recognize him as such. There was evidence that the plaintiff had always retained the name of his mother up to the time of her death, and had married in that name, which was also that of a cousin with whom it was rumored that his mother had been intimate before the plaintiff's birth. The question was whether plaintiff had established that he was the son of defendant. The court held that it was not competent to the defendant to contradict the acknowledgment of paternity made by him in the act of birth, by parol evidence of public rumor, or statements made by plaintiff's mother in the course of conversations. It was held that there was no evidence to sustain the plea, and therefore the plaintiff was entitled to his rights as a child legitimated by the marriage of his parents.

NEWSPAPERS AND CONTEMPT OF COURT.

It is to be hoped that the decision of Mr. Justice Mathew and Mr. Justice Cave in the case of *Duncan* v. *Sparling and others* will do something to check the feverish eagerness of litigants to invoke the aid of the process of contempt of Court whenever their disputes are commented on by the press in terms of which they disapprove. The facts were simple and amusing. The

plaintiff, Miss Duncan, was and is a member of a body calling itself the Democratic Club. A misunderstanding arose between her and the club committee. She was suspended from th e rights of membership, and applied to Mr. Justice Grantham for an interim injunction to restrain the committee from suspending her. Ultimately Mr. Justice Grantham refused the application. An appeal was taken to the Divisional Court. At this point the comedy of errors began. The Divisional Court, being desirous to prevent any inferences adverse to the lady being drawn at this stage in the proceedings, did not allow the affidavits to be publicly gone into. It appears, however, to have been stated in open Court, first, that Miss Duncan had been expelled from the club, and, secondly, that the rule under which the committee had acted was one framed against drunkenness, gambling, and bad language. Mr. Finlason, the able reporter for the *Times*, recorded these alleged facts; but inspired by a kindly wish to save the public from misunderstanding what the nature of the charge against Miss Duncan was, he extracted from her affidavit (which had not been read) and embodied in his report a paragraph to the effect that the head and front of her offending was an allegation that she had allowed a gentleman to drink out of her shoe! This report duly appeared. The humour of the thing caught the journalistic eye of one of the news editors of the *Westminster Gazette*, and he reproduced in an abbreviated form and with comments the report in the *Times*. The paragraph in the *Westminster Gazette* in turn attracted the attention of a writer on the staff of the *Daily Telegraph*, and he, too, commented on the incongruity of democrats managing a social millennium by potations from a lady's shoe. *Hinc illæ lacrymæ!* On these slender materials Miss Duncan based her application for a committal. The learned judges dismissed it summarily, though in the case of the *Times* without costs, and emphatically declared that nothing in the nature of a contempt had been committed. We are not concerned to defend the prudence of the reports and comments to which Miss Duncan objected. But it is simply monstrous that the time of the Courts should be taken up and that newspapers should be harassed by such applications. We can conceive of nothing better fitted to make the process of contempt of Court contemptible: and we trust that the result of the present case will convince the far too numerous body of litigants who are so ready to appeal to Cæsar with a cry of *læsa majestas* that our legal tribunals are of the same opinion.—*Law Journal* (*London.*)

ENGLISH DECISIONS.

Bankruptcy—Money paid to solicitor for defence of bankrupt on criminal charge—Refusal to order repayment.

On the 10th of December, 1893, £275 was paid by a debtor to his solicitor for the purposes of his defence on a charge of murder, and on the 20th of December the debtor committed an act of bankruptcy, of which the solicitor, on the 21st of December, had notice. On the 20th of January a receiving order was made against the debtor, and an application was made by the trustee in bankruptcy to the Tunbridge Wells County Court, that the solicitor should be directed to return the money, or at least the balance after deducting disbursements made before the 21st of December, the date the solicitor had notice of the act of bankruptcy. Held, that by the terms of the agreement the money on payment became the solicitor's money; that under no circumstances could the solicitor have demanded more than £275 from the debtor, nor could he be compelled to refund any he had received, and that the agreement was perfectly *bona fide* and valid. Per Wright, J.: The defence of a man charged with murder was probably a matter for which the official receiver might have made the debtor an allowance under the Bankruptcy Rules, 1886, r. 325.—*Re Charlwood; Ex parte Cripps*, Q.B.D., in bankruptcy (Williams and Wright, JJ.), February 25th, L. T. 414; L.J. 147; W.N. 40; 10 T.R. 317.

Bankruptcy—After acquired property—Trading while undischarged—Second bankruptcy—Rights of trustee under first and second bankruptcies—Bankruptcy Act, 1883, *sect.* 44.

Where an undischarged bankrupt contracted debts and was again adjudicated bankrupt, the County Court judge directed the official receiver to divide the estate first among the creditors of the first bankruptcy, and if there was a surplus to divide that amongst the creditors of the second bankruptcy. Held, on appeal, that the property passed wholly to the trustees under the second bankruptcy to be administered by him without prejudice to the claim, if any, of the creditors in the first bankruptcy to rank for proof. The trustees under the first bankruptcy had intervened too late, because a perfect title had then

by statute become vested in the official receiver as trustee under the second bankruptcy.—*Re Clark; Ex parte Dickinson*, Q. B. D., (Williams and Wright, JJ.), L. T. 438.

Charter party—Clause as to advance of freight—Construction of.

By a clause in a charter-party, it was provided for "cash for steamer's ordinary disbursements at port or ports of loading, not exceeding £150 in all, to be advanced at exchange of 50 d. to the dollar on account of freight, subject to 3 per cent. to cover cost of insurance, etc., (captain's receipts to be conclusive evidence of the amount of such advances and of their having been properly made), and balance of freight on right and true delivery of the cargo in cash." On the first voyage the captain, having outward freight in hand, expended it in partly disbursing the vessel, and cash was advanced by the defendants for the balance. This sum, with the agreed percentage, together with the sum representing the profit the defendants would have made on the sum required to make up the advance of £150, was deducted by them from the balance of freight due to the plaintiffs on delivery of cargo. On the second voyage the captain had enough outward freight to fully disburse his vessel, and required no advance. On delivery of cargo plaintiffs deducted the profit they would have made on the full advance of £150. Held, that the fair meaning of the clause in the charter-party as to advance of freight is, that the shipowners are to be in a position to ask through their masters for sufficient to pay the disbursements, if they required it, but not otherwise, and that, what the plaintiffs sought to recover was due for freight, and that the defendants were not entitled to make a cross-claim for the amount, or to deduct it from the freight.—*The Primula*, P.D. & Ad. (Barnes, J.), February 6th, L. T. 392.

Copyright — Infringement — Reproduction of paintings — Living figures in painted backgrounds—Fine Arts Copyright Act, 1862, *sects.* 1, 6.

Motion by owner of copyright in certain pictures to restrain the proprietors of a theatre from representing the plaintiff's pictures at their theatre by the grouping of living persons attired

with painted backgrounds and properties. Held, that representation by living figures was not a reproduction within the meaning of sect. 1 of the Fine Arts Copyright Act, 1862, which must be of a painting character; but as to the backgrounds, motion ordered to stand over till the trial or further order upon the respondents' undertaking to take photographs of the backgrounds used, to keep an account of the number of times each background was exhibited, and of all moneys received for admission when any of the backgrounds should be exhibited.—*Hanfstaengl* v. *The Empire Palace Limited and others*, Ch. D. (Stirling, J.), February 16th, L.T. 390; S.J. 270; 10 T.R. 288.

Damages—Inadequacy—New trial.

The plaintiff, who was an accountant 70 years of age, earning from £3 to £4 a week, sued defendants for damages for personal injuries received through negligence of defendants' servants. The plaintiff was in hospital for four weeks, and during this time he lost his weekly earnings. At the trial the jury found a verdict for the plaintiff, damages £12. The plaintiff then asked for and obtained judgment for this amount with costs on the County Court scale. The plaintiff now applied for a new trial on the ground that the damages were inadequate, inasmuch as the jury had only given plaintiff his loss of earnings, and nothing for suffering and loss of his fingers, which had to be amputated, and the defendants gave cross notice of application for judgment upon the ground that there was no evidence of negligence to go to the jury. Held, that on plaintiff's motion for a new trial upon the ground that the damages were inadequate, it must be taken that negligence in the defendants was proved, and that that negligence caused the plaintiff's injuries, but that as the jury had only given him his loss of earnings, the damages were wholly inadequate, and the plaintiff's application for a new trial must be granted. As to the defendants' application, the Court could not say that there was no evidence of negligence. It must be a question for the jury. Therefore the cross-application of the defendants failed, and the plaintiff must have the costs of the application and of the cross-application.—*Burrows* v. *London General Omnibus Company*, C. A. (Lord Esher, M.R., Lopes and Davey, L.JJ.), February 21st, 10 T.R. 298.

Libel—Privileged occasion—Letter dictated by solicitor to clerk.

The defendants, Goblet Frères, instructed their solicitors, the co-defendants, Wrensted & Sharp, to obtain payment of a debt from a Mrs. Buderis. After certain enquiries, the defendants, Wrensted & Sharp, wrote a letter containing defamatory statements concerning the plaintiff, Mrs. Boxsius. This letter was dictated by one of the solicitors to a shorthand clerk, and subsequently handed to a copying clerk to be copied into the letter-book. Held, that the letter was communicated to the solicitors' clerks on a privileged occasion, inasmuch as it was so communicated in the ordinary course of their business as solicitors; and, *per* Lopes, L.J.: If the communication made by a solicitor to a third party is reasonably necessary and usual in the discharge of his duty to and in the interest of his client, the occasion is a privileged one.—*Boxsius* v. *Goblet Frères and others*, C.A. (Lord Esher, M.R., Lopes and Davey, L.JJ.), February 28th. L.J., 161; S.J., 311; 10 T.R., 324.

Libel—Privileged occasion—Solicitor acting for client—Communication in ordinary course of duty.

A client had employed a solicitor to sue the plaintiff for money alleged to be due. After the writ was issued an auctioneer, acting on the instructions of the plaintiff, advertised the sale of his furniture and effects, and thereupon the solicitor, acting for his client, wrote to the auctioneer, stating that an action had been commenced against the plaintiff, and that he had committed an act of bankruptcy upon which an order in bankruptcy might be made against him, and giving the auctioneer notice not to part with any moneys which he might receive as the proceeds of the sale. On this letter the plaintiff sued the solicitor for libel. Held, that the solicitor in writing this letter was acting within his ordinary duties as solicitor, and that the occasion being privileged as regards the client, was privileged also as regards the solicitor, and that there was no evidence of actual malice. Judgment for defendant.—*Baker* v. *Carrick*, C.A. (Lord Esher, M.R., Lopes and Davey, L.JJ.), February 22nd, S.J. 286; L.J. 144.

Principal and agent — Scope of agent's authority—Negligence—Bailment.

Action for damages in respect of injury done to a bass fiddle. Plaintiff left her fiddle in ante-room of a hall belonging to defendant and hired for a concert. The fiddle was so placed that the hall-keeper, when he came to turn on the gas, was obliged to move it, when almost immediately it fell with a crash and was seriously injured. No notice had been given to the hall-keeper that the fiddle had been placed where it was, but the judge found that it was not an improper place in which to leave it. Held, that there was no evidence of any contract of bailment between the plaintiff and the defendants, and no duty and no evidence of negligence on the part of the hall-keeper, and that the care of valuable instruments was not within the scope of his authority. Judgment for defendant.— *Neuwirth* v. *Over Darwen Industrial Co-operative Society*, Q.B.D. (Mathew and Collins, JJ.), February 14th, L.T. 392; L.J. 133; 10 T.R. 282.

Salvage—Unsuccessful services—Remuneration.

Where there is a request to render assistance to a ship, and service is in fact performed as far as it is possible to do it, and the ship is afterwards saved by other means, the persons who rendered the services are entitled to some salvage remuneration. —*The Helvetia*, P.D. & Ad. (Barnes, J.), February 27th.—L.T., 439.

THE LATE LORD JUSTICE BOWEN.

It is with deep regret that we record the death of Lord Bowen, which took place early on Tuesday morning, April 10, at Albert Hall Mansions. The event is accentuated by the fact that he has passed away within a few days of the death of Lord Hannen, whom he succeeded as lord of appeal about seven months ago. He fell a victim to an internal disease, the growth of which caused him frequently to be absent from the Court of Appeal, but the terrible pain of which never caused him, even up to the last hour of his suffering, to lose that serenity of temper which was not the least of the many gifts he displayed. He knew that death was near several days before it came, but "resignation

gently sloped the way," and he passed away most peacefully. It was a close to a very laborious but singularly calm life, for whatever task he undertook was discharged with the ease and deliberation of the scholar, with a professional dignity which banished all idea of anxiety and haste.

Charles Synge Christopher Bowen was born in 1836, being the eldest son of the Rev. Christopher Bowen, of Freshwater, in the Isle of Wight. He has died, therefore, when most judges are fresh to judicial life, but so rapid was his progress in the profession that had he lived until June he would have completed fifteen years of service on the Bench. His professional success had a fitting prelude in his scholastic accomplishments. He distinguished himself at Rugby in play as well as work. He was in the first eleven, was noted among his schoolfellows as a sprinter and hurdle racer, and became a member of the football team. He was elected captain of the school. The promise of his Rugby days was more than fulfilled by his University achievements, both as a scholar and an athlete. Oxford can claim few more brilliant sons. He carried off the Hertford and Ireland scholarships, and, among several other prizes, he won the Arnold with an essay on Delphi. In 1858 he took a first-class in classical honours, and shortly afterwards became a Fellow of Balliol. He maintained a close connection with his college throughout the remainder of his life. He held the post of visitor, and was on intimate terms of friendship with Dr. Jowett, whose funeral he attended as a pall bearer. Called to the Bar at Lincoln's Inn in 1861, he chose the Western Circuit, on which Lord Coleridge's friendship secured for him an early start in the profession. The construction of his mind was far too subtle, however, to enable him to obtain any striking measure of success in ordinary circuit cases. His real powers were not recognised until, at the instance of Lord Coleridge, then Attorney-General, he was appointed junior counsel to the Treasury in 1870. During the nine following years he lived a most laborious life, his official business and large private practice often compelling him to work almost day and night. Among the cases in which he appeared was the Tichborne trial. With Mr. Chapman Barber, he settled the indictment for perjury, and he played a very active part in preparing the materials for the cross-examination of the claimant's witnesses. His style of speech was too academic to make him an effective advocate in jury cases, but he was recognised as

a lawyer of deep and versatile learning, and, when he was appointed a judge of the Queen's Bench Division in 1879, passing straight from the junior Bar to the Bench at the early age of forty-three, his qualifications for the honour were universally acknowledged. His success at Nisi Prius, however, was not great. The trivial facts of ordinary disputes were not worthy of his intellectual strength, and his summings-up were frequently above the heads of the jury. But whenever he allowed free play to his powers of irony, his addresses to the jury were most entertaining. While on circuit, he tried a burglar who had entered the house from the roof and left his boots on the tiles, and who alleged, by way of defence, that he was accustomed to take midnight strolls on the roofs of dwellings, and that he had simply been led by a feeling of curiosity to descend into one of the houses. "If, gentlemen," said Lord Bowen to the jury, "you think it probable that the prisoner considered the roofs of houses a salubrious place for an evening walk—if you suppose that the temptation to inspect the interior of the houses beneath him was the outcome of a natural and pardonable curiosity—in that case, of course, you will acquit him, and regard him as a thoughtful and considerate man, who would naturally remove his boots before entering the house, and take every precaution not to disturb his neighbours." He found his true sphere in 1882, when he was promoted to the Court of Appeal, in succession to Lord Justice Holker. During the eleven years he sat as a Lord Justice, he delivered a series of judgments remarkable for the accuracy of their law and the elegance of their diction. No judge has delivered so many brilliant judgments at so early an age. To read them is to learn how closely it is possible to join legal erudition and literary grace. He was equally at ease in hearing common law appeals with Lord Esher, and determining Chancery appeals with Lord Justice Lindley; in whichever branch of the Court of Appeal he sat, his judgments were marked by the same depth of learning, the same knowledge of the evolution of the law, the same lucidity and felicity of phrase. He possessed, too, a firm independence of judgment, which not infrequently caused him to disagree with the conclusions of his learned brethren. Among his most notable judgments were those he delivered in *The North Central Waggon Company* v. *The Manchester, Sheffield, and Lincolnshire Railway Company; Thomas* v. *Quartermaine; Scott* v. *Morley; Boston Deep Sea Company* v. *Ansell; Vagliano*

Brothers v. *The Bank of England;* and *Borthwick* v. *The "Evening Post."* His wit was certainly not the least attractive of his gifts. Within the last few days many stories have been told of his humour, and although all the caustic sayings attributed to him were not uttered by him, they give some idea of his power of irony, though those who did not hear the gentle voice or observe the modest manner in which they were delivered can have no true notion of their charm. To many it was a matter of regret that one so gifted with literary power should have contributed so little to the literature of the country. His contributions consist of "Virgil in English Verse," a graceful and scholarly translation; his college essay on "Delphi"; a powerfully written pamphlet on "The Alabama Claims," in which he dealt with the contentions of "Historicus," of whom he wrote: "He borrows legal codes from municipal law and projects them into space"; and the essay on "Law" he contributed to Mr. Humphry Ward's collection of essays on the Victorian era. His literary labours would, no doubt, have been more numerous if his health had been more robust. For several years he was engaged in a translation of the "Georgics," now left unfinished. The qualities which won for him the esteem of the Bar obtained for him the affectionate regard of a large circle of friends. How highly his genial nature and conversational powers were valued in private life was shown by the warm tributes paid to his memory by the Master of the Rolls and Mr. Justice Wright. Among his greatest friends and admirers was Mr. Gladstone, who delighted in his classical learning, and who not very long ago lunched with Lord Bowen in his room at the Royal Courts of Justice. The confidence he inspired in official and political circles was shown by his appointment as chairman of the Featherstone Commission. He was an excellent after-dinner speaker, the speech he made in proposing the health of Sir Frederick Leighton at the Academy banquet of 1891 being among the most successful of its kind ever delivered in Burlington House. The famous Jackson case, in which the law relating to husbands and wives was dealt with, had first been decided by the Court of Appeal, and this is how Lord Bowen contrived to associate the case with the chief picture of the year: "I see before me as I address you a great picture of your own which appeals especially to myself as a lawyer. It represents Persephone, Queen of Heaven, returning from her husband's to

her mother's embraces, released from an unwelcome honeymoon by the special order of the Court of Appeal, to which I have the honor to belong. I am informed on credible authority—but my sight is too indistinct to admit of my verifying the statement—that in the background, although at an extreme distance, may be seen my learned friends, the Lord Chancellor and the Master of the Rolls, looking with pleasure at the liberated captive." Lady Bowen, whom the late judge married in 1862, is a daughter of the late Mr. James Medows Rendel, and a niece of the newly created baron of that name, through whom Lord Bowen became intimate with the ex-Premier. The legal profession has lost one of the most accomplished and popular men that ever belonged to it, the country has been deprived of the services of a judge who possessed in a rare degree the high qualities most needed on the Bench.—*Law Journal, (London)*.

At the sitting of the Court of Appeal on Tuesday the members of both divisions came into Court, including the Master of the Rolls, Lord Justice Lindley, Lord Justice Lopes, Lord Justice Kay, Lord Justice Smith, and Lord Justice Davey.—The Master of the Rolls said: I think that the Bar will expect, as the late Lord Bowen was for so many years a member of this Court, that this Court should express that which we know the whole profession feels, the extreme regret and sorrow we all entertain for the terrible loss which we all have just sustained. It is true to say that as Lord Bowen left this Court some few months ago, this Court as a Court has not by this death suffered any special and peculiar loss; we have not lost more than the whole profession has lost. But that loss is so great that we must express what we feel. I cannot have any doubt that Lord Bowen was one of the most distinguished judges who have sat in the Courts of England in my time. His knowledge of the whole law of England was so perfect and so accurate, and the whole law was so much at his command, that I have no doubt that he had studied every head and particular of English law, not merely when a particular case involving the proposition in question came before him for opinion or advocacy when he was at the Bar, nor when as a judge he had to consider the proposition in his judicial capacity, but he had studied the law minutely and earnestly before ever he was called upon to pronounce an

opinion upon it. His knowledge of the law was vast; his power of expressing what the law was you all have experienced often and often. I cannot fail to say that the workings of his mind were so beautifully fine that sometimes what he said escaped me. My mind is not so finely edged. I am more inclined to consider cases and to form my opinions on them in a rougher business manner, and to use rougher business language when dealing with matters of law relating to business. His mind was so beautifully fine and subtle that he delivered perfectly expressed essays upon the law which will be handed down for use by future generations of lawyers. His manner never swerved from a gentle kindness to every one. In private life I did not have the same advantage of knowing him so intimately as did others, some of whom are present here. Still I knew him well. That charming mind and perfection of diction were as great in private life as in Court, and gained for him the admiration and affection of all who knew him. I cannot fail to express my own deep sorrow and regret at the loss which we have sustained, and how that loss can be made up for us I myself cannot see. In uttering these few remarks I speak on behalf of all his late colleagues in this Court, and I think I may add on behalf of all the other judges with whom he was associated in his judicial career.

The Attorney-General said: My Lord,—I feel certain that your lordship has only been fulfilling the expectation of the Bar in uttering the words which you have just spoken. The Bar would have been disappointed if so great a judge as the late Lord Bowen, who had been so long engaged in the administration of justice, had passed away without some reference being made to so sad an event. My lord, the Bar thank you for your kind and sympathetic words. Having myself known him for quite forty years, and having known him intimately for a great part of that time, I would not wish to use language of exaggeration in speaking of the great loss that we have all sustained; but I do not think it any exaggeration to say that the world is poorer by the loss of a great man, the country is poorer by the loss of a great judge—a judge of rare and unique power, and we of the Bar mourn the loss of as genial, kindly, and trusted a friend as ever lived.

LIMITATION OF ACTIONS BILL.

The Lord Chancellor, in moving the second reading of this bill, explained that during the discussions on the Employers' Liability Bill the question was raised whether the period within which actions must be brought was not in some cases too long. At the present time, in the case of some torts, the period of limitation was six years, and in the case of others it was four years and tw years. It was desirable, he thought, that when a wrong had been sustained the party charged with liability in respect of it should receive notice of action without undue delay, because the longer the time that was allowed to elapse the greater probably became the difficulties of defence. Witnesses, for example, might die in the interval, or change their place of residence so that they could not be found. The general period of limitation in the case of torts might well be reduced to one year, and that the bill proposed to do. Where, however, a wrong had been committed, but was not discovered and could not with reasonable diligence have been discovered within the period of one year, the period of limitation would remain the same as now, provided that the action was commenced within one year from the time when it could with reasonable diligence have been discovered. The bill also extended to actions of contract. At present the period of limitation for such actions was six years, and the proposal in the bill was to reduce that period to three years except in cases of debts not exceeding 5*l*. In those cases the period would be one year. This exception had been suggested by the report of the committee of their lordships' House on the subject of commitments in County Courts. He rather expected that the proposals in the bill with regard to actions of contract would cause some little controversy, and if a very strong opposition were shown to them he should be willing for the present to confine the bill to the question of the limitation of time for actions of tort.

Viscount Cross observed that the committee referred to by the noble and learned lord were unanimous in holding that the statutory period for the recovery of small debts ought to be materially reduced.

Lord Ashbourne thought that some of the provisions of the bill would need careful examination in committee.

Lord Halsbury, who approved the bill, remarked that great

care must be taken as to the phraseology excluding actions founded on trespass to land from the operation of the bill.

The Marquis of Salisbury thought that the provision limiting to one year the period for actions on debts not exceeding 5*l.* might possibly be disadvantageous to the poor. A poor man owing a tradesman, say, 4*l.* 10*s.*, and being for the moment unable to pay, might be induced by his creditor to increase the debt to a higher figure than 5*l.* in order to prevent the provisions of this measure from applying.

The bill was read a second time. *April* 16.

GENERAL NOTES.

NECESSARIES.—His Honour Judge Lumley Smith decided that a new set of false teeth was not a necessary for which the separated wife of a Sussex saddler was entitled to pledge her husband's credit. We hope the teeth supplied were as sound as the law; but in giving judgment the learned judge hardly gave sufficient effect to the maxim that the luxuries of one generation are the necessaries of the next, and its possible application to the case of artificial teeth, for he said that man had done without them for centuries—in fact, during the reign of the common law—and that no parish doctor would order them to be supplied as parish relief, to which the modern philanthropic politician would, like Bumble, reply, 'The Poor Law's a hass.' We have heard of another husband who took a different view of his rights as to his wife's false teeth. His house was burnt and she within it, whereupon he included in his claim on his fire-policy 10*l.* in respect of his interest in the false teeth.—*Law Journal* (*London*).

PRIOR USE.—A patentee recently protected a small domestic appliance. Sometime afterward a too enterprising antiquary ransacking the tombs of Egypt turned up a similar appliance, which he considers to have been in use three thousand years ago. This discovery, in the opinion of an expert, vitiates the letters patent recently granted, inasmuch as the invention for which protection was therein granted was not new and original. —*Law Gazette.*