The Legal News.

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The report of the general council of the bar for the past year gives the statistics of legal examinations in the province for several years past. In 1882, of 64 candidates for practice 55 were admitted and 9 rejected. In 1883, 52 were admitted and 21 rejected; and in 1884, 59 were admitted and 27 rejected. In the same years the examinations for admission to study resulted as follows: In 1882, 45 admitted and 31 rejected; in 1883, 41 admitted and 15 rejected; and in 1884, 39 admitted and 14 rejected.

Lord Bacon conceded to judges a certain discretion in the enforcement of existing laws. "Let penal laws," he says, "if they have been sleepers of long, or if they be grown unfit for the present time, be by wise judges confined in the execution." But laws enacted for the security of the people against the ravages of a loathsome disease can hardly fall into the category indicated by the Lord Chancellor. Here, if anywhere, the convenience of the individual must yield to the requirements of the community. "Salus populi suprema lex." Those who, by supineness at the critical moment, fail to exert the salutary authority entrusted to them incur a fearful responsibility.

The Criminal Law Amendment Act, which has been so constantly referred to of late in the English despatches and which received the royal assent on the 14th of August, makes some important changes in the criminal law of England. The tenor of the Act, as indicated by the *Law Journal*, is as follows:—"It may be said of it generally that it makes procuration a crime; that it makes it an offence to procure sexual connection with women by means of false pretences or false representations; that it raises the age of felony committed on young children from twelve to thirteen, and the age of misdemeanour from thirteen to sixteen; that it creates a felony in the occupier of premises allowing a girl under thirteen to be carnally known therein, and a misdemeanour in the case of a girl between thirteen and sixteen; that it raises the age of abduction for sexual purposes from sixteen to eighteen; that it makes a statutory offence of detaining a girl in a brothel against her will; that it allows a search warrant to be granted by magistrates at the instance of parents or guardians in case of girls detained against their will for immoral purposes, and of very young girls against the will of their guardians; and that it creates a new offence of gross indecency between male persons, and a new offence in respect of brothels in the landlord or landlord's agent. While thus dealing liberally with the substance of the law, it has some special provisions as to procedure. Convictions of the majority of the offences are not to take place except upon corroborative evidence. Upon a charge of defiling a girl under thirteen she may be examined, although she does not understand the nature of an oath, and persons charged under the Act, and their husbands or wives, may be competent but not compellable witnesses."

PRACTICAL HINTS IN THE PREPARATION OF BRIEFS.

It is, of course, impossible fully to go into this subject within the limits of a short paper. It is but practicable to outline some of the more material points. I purpose to give a few hints only concerning the preparation of briefs. Much of what may be said is equally applicable to oral arguments. Indeed, an oral argument is usually based upon the brief which it may, according to circumstances, either expand or abridge.

The first essential to either mode of presenting a cause to a court is a minute study and thorough understanding of the facts and the law of the particular case. Not some other case, but *the* case in hand. Cases presenting to superficial observation the same general features, are often found, upon more careful scrutiny, to contain elements or to be wanting in elements which make them essentially distinguishable. The same state of facts often give rise to different principles, depending

upon the character or relations of the parties to the controversy. A very common fault is found in the failure to take into consideration *all* the facts upon which the legal duty or liability arises. But perhaps the most difficult function of the lawyer is to determine which of the facts are essential and which are non-essential; to eliminate the latter and to show, against the possible contention of the opposing counsel, their immateriality. The facts of a given cause may be and often are numerous. But many, perhaps a majority of cases turn upon one or two controlling points. Study and careful discrimination are necessary to select from the mass of facts those that are controlling: to select from the storehouse of the law the legal principles which justly apply to the controlling facts. In the study of a cause, after the controlling facts are ascertained, I have found it to be a most useful general inquiry to make; *What is the intrinsic justice of this case?* If it is clear that right and justice are on my client's side, I can prognosticate with great confidence a favorable result. But if they are on his adversary's side, and I have to rely upon the provisions of an uninterpreted statute, or upon some reported case which I suppose to be in point, the reliance generally and I may add rightfully fails.

If the *right and justice* of a case are clear, the counsel may feel assured that, with rare exceptions, right and justice are coincident with the true principles of the law applicable to it. If a legal principle is asserted, which is subversive of justice, it is quite certain either that there is no such principle, or what is, perhaps, the more common error, the principle, though sound when rightly applied, is inapplicable to the case in hand.

The careful study of a cause such as I am insisting upon as being absolutely essential, will necessarily lead the counsel to form his theory of his cause, and so far as he may, the theory of his adversary. This done, the work of formulating the brief may be begun, and here the first step is the *statement of the case.*

Not only the first step, but the most important. Not only the most important, but it may perhaps surprise the legal reader to add *the most difficult.* As a result of large observation and experience, I feel obliged to say that comparatively few lawyers understand the art of stating a cause to the court. Some have no plan at all. Some begin in the middle. Others fail to discriminate between what is essential and what is immaterial. Others are verbose and rambling. You here perceive the value of what is said above as to the necessity of a careful study of your cause, and the formation of your theory of it. The statement of the case consists in the regular and logical exposition of the material facts, and, where necessary, showing that other facts are immaterial. The importance of a concise but complete statement of a cause is found in the fact that perhaps nine cases out of ten are practically decided when the case is stated; and your case may be lost if you have omitted the controlling of even material facts in your presentation of it.

The late Mr. Justice Curtis of the Supreme Court of the United States was remarkable for his felicity and power of condensed but complete and accurate statements. His reported judgments on the Circuit and in the Supreme Court may be profitably studied, as examples of the mode of properly stating a cause, as well as for their legal learning, and as models of judicial style.

Having stated the facts of the cause, the next question is, *What is the law of the cause?*

And here the first impulse of the average lawyer is, "Is there any case in point?" If the lawyer proceeds carefully he will first inquire and make sure whether there is any constitutional provision, federal or state, applicable to the case stated. Next, whether there is any statutory provision applicable to it, and whether and how it has been judicially construed. Failing to find his case controlled either by constitutional provisions or statutes, his next inquiry should be what legal duty or liability arises on this state of facts—in other words, what are the true legal principles applicable thereto? To determine this, he naturally and properly has recourse to his books—Elementary Treatises and Reports. Text books of acknowledged merit may of course be used. There is, however, much difference in their value; too many are worthless and unreliable. A statement of the law by writers such as Sugden, Byles, Benjamin, Mr. Justice Lindley, Chancellor Kent, and some other authors

of recognized merit, carries with it a very strong presumption of its correctness; and often more force than the mere statement of the law in an isolated case in a book of reports. But the highest evidence of legal principles is, as we all know, to be found in the Reports, which not only state the principle but show its application.

The most common defect I have observed in the argument of causes next to faulty "statements" is *the misuse of reported cases.* No lawyer is justified in citing a case in his brief which he has not carefully read and studied. What does this mean? It means that without a careful reading and study of the case cited, it cannot be seen that it is applicable to the case in hand. Concerning the proper use of adjudged cases and their misuse in other respects, I may say something hereafter. But if the lawyer conscientiously pursues the course above indicated, viz., to cite no case upon his brief until he has read it so carefully that he could himself make an accurate syllabus of it, he will avoid a most prevalent and mischievous practice—the loose, careless and inconsiderate citation of cases. A citation of a case under a given proposition ought, unless distinctly otherwise stated, to be equivalent to an implied professional certificate that, in the writer's judgment, the case cited is an express authority in support of such proposition.—*Judge Dillon in Columbia Jurist.*

COUR DE POLICE.

MONTRÉAL, 27 juillet 1885.

B. A. T. DEMONTIGNY, *Magistrat.*

LA REINE v. TRANCHANT.

Libelle—Examen préliminaire—Témoins proposés par l'accusé—Devoir du Magistrat.

JUGÉ: *Que le Magistrat peut et doit, dans toute cause où l'on procède par voie d'acte d'accusation, prendre les dépositions de ceux qui ont eu connaissance des faits et circonstances de l'affaire, que ces témoins soient proposés par la poursuite ou la défense; que ce devoir du Magistrat est impérieux dans les poursuites privées ainsi que dans les poursuites publiques.*

PER CURIAM. Le libelle contre les individus est défini par Archbold, Cr. Pldg. 857: "A libel upon an individual is a malicious defamation of any person made public, either by printing, writing, signs or pictures, in order to provoke him to wrath, or to expose him to public hatred, contempt or ridicule."

Il faut donc pour constituer ce délit que la diffamation soit rendue publique.

Archbold, à la page 318, 4 ed. am. de 1853, dit: "To maintain the indictment, he must first prove publication; for unless the libel have been published, those who have composed, written, or printed it, are not punishable. But upon publication being proved, the prosecutor may proceed to give evidence against any of the defendants who may have composed, written, or printed the libel; for they are principals, and all may be included in the same indictment."

C'est l'opinion de tous les auteurs, entr'autres Roscoe, Criminal Evidence p. 654.

Le poursuivant avait donc à prouver que l'accusé avait publié, ou fait publier l'article incriminé dans le *Star.* Il l'a fait par des présomptions. Et nul doute que ces présomptions seraient suffisantes; mais la meilleure preuve n'a pas été offerte et le défendeur dit que le propriétaire du journal en question peut prouver que l'accusé n'a eu rien à faire avec cette publication.

Le magistrat peut-il ou doit-il entendre ce témoin ?

La sec. 29 du ch. 30 de 32-33 Vict., qui est l'acte de procédure en matière d'enquête préliminaire, dit: "Dans tous les cas où une personne comparaît ou est traduite devant un ou des juges de paix pour une offense poursuivable par voie d'acte d'accusation.... le ou les juges de paix, avant d'envoyer le prévenu en prison, ou de l'admettre à caution, *recevront,* en présence du prévenu (qui aura la liberté d'interroger les témoins à charge) les dépositions sous serment ou par affirmation, de ceux qui ont eu connaissance des faits et circonstances de l'affaire."

Le législateur fait donc une obligation en disant "*recevront,*" au magistrat à l'enquête préliminaire de recevoir les dépositions de ceux qui ont eu connaissance des faits et circonstances de l'affaire.

C'est ainsi que les choses se font en Angleterre en vertu de la sec. 17 du ch. 42 de 11-12 Vict.: "When the witnesses are in attend-

ance, dit Harris, p. 313, the magistrate takes, in the presence of the accused (who is at liberty by himself or his counsel to put questions to any witness produced against him), the statement on oath or affirmation of those who know the facts of the case, and puts the same in writing."

Woolrych, traduit par Lanctot, p. 19, dit: "Le prisonnier peut alors amener des témoins qui doivent être examinés sous serment; et peut-être est-il discrétionnaire chez le J. de P. de les entendre ou non, quoique les juges soient portés à croire que leur examen est plus obligatoire depuis le rappel de l'acte 7 Geo. 4, c. 64, sec. 2."

Lanctot, dans son livre du Magistrat, pose la question si l'accusé peut faire entendre des témoins, et il la résout dans l'affirmative.

Kerr, dans son livre "Magistrates Acts," n'en doute pas du tout, et il affirme la proposition en ces termes: "The justice is bound to examine all the parties who know the facts and circumstances of the case—(p. 79). Voyez *Regina* v. *Dease et Schultz*, Legal Directory p. 27."

Mais on dit que ce n'est qu'en matière de félonie que cette permission peut être accordée à l'accusé. La loi ne distingue pas, et la sec. 29 déjà citée dit: "Dans tous les cas où une personne comparaît ou est traduite devant un des juges de paix pour une offense poursuivable par voie d'acte d'accusation." Or la procédure ici est par voie d'acte d'accusation puisqu'on procède à l'enquête préliminaire.

Je ne vois pas pourquoi l'accusé ne serait pas aussi protégé quand il est poursuivi par un individu au nom de la Reine que quand il est recherché par la Reine pour le public.

Et dans le cas de libelle surtout la jurisprudence comme la loi lui accorde plus de protection. Aussi dans la cause *Commonwealth* v. *Buckingham*, 2 *Wheeler's C.C.* 198, rapporté dans 2 Starkie on Slander, on a consacré cette théorie: "The defendant may rebut the presumption by evidence that the libel was sold contrary to his orders, or clandestinely, or that deceit or surprise was practised upon him, or that he was absent under circumstances which entirely negative any presumption of privity or connivance."

Notre statut lui-même, concernant le libelle, donne cette permission à l'accusé de prouver que la publication d'un libelle a eu lieu sans son autorisation, son consentement ou sa connaissance. (S. 10 de 37 Vict., ch. 38).

Le magistrat ordonna en conséquence que le propriétaire du *Star* soit entendu.

F.-X. Archambault, avocat du plaignant.

Arthur Globensky, avocat de l'accusé.

(J. J. B.)

COUR D'APPEL DE RENNES.

Juin 1885.

DELLE X.... v. M. Z....

Séduction—Dommages-intérêts.

JUGÉ: *Que si la séduction ne peut, en principe, donner ouverture à une action en dommages-intérêts, il en est autrement lorsque la femme a été victime d'une violence morale, caractérisée par des manœuvres dolosives et des promesses fallacieuses qui ont égaré sa raison et surpris son consentement.*

Voici les faits qui ont été établis par les documents de la cause:

M. Z...., veuf et père de deux enfants, avait pris à son service Mlle X...., âgée de dix-huit ans. Après avoir, au mépris de ses devoirs, abusé de son autorité pour la séduire, il était parvenu à triompher de ses résistances en lui promettant de l'épouser. Mlle X.... étant devenue mère, Z.... a présenté lui-même le nouveau-né à la mairie, en déclarant qu'il s'en reconnaissait le père. Malgré la mort presque immédiate de cet enfant, il avait fait faire, deux mois après, les deux publications de mariage exigées par la loi. Bien qu'il n'eût rien à reprocher à sa fiancée, il viola ses engagements, pour contracter une union avantageuse.

Assigné en dommages, l'arrêt de première instance renvoya l'action.

Le tribunal de Rennes renversa ce jugement.—L'arrêt a déclaré que M. Z.... s'était rendu coupable d'une faute qui l'obligeait à réparer, dans la mesure du possible, le préjudice dont il était l'auteur, et vû la jurisprudence constante en ce sens, la cour, infirmant le jugement de première instance, a condamné le sieur Z... à payer à la demoiselle X... la somme de 1000 fr. à titre de dommages-intérêts.—(Rapport de Mtre. Albert, *Journal de Paris*).

(J. J. B.)

RECENT ONTARIO DECISIONS.

Railway—Barbed Wire Fence.—Held, that 46 Vict. ch. 18, s. 490, ss. 15, 16, seemed to sanction a barb wire fence, and empower municipalities to provide against injury resulting from it. Such a fence constructed by the defendants upon an ordinary country road along the line of their railway could not be treated as a nuisance, no by-law of the locality in which the accident complained of in this case having been passed respecting fences of the kind; and that the defendants were not, therefore, liable for the loss of the plaintiff's colt, which while following its dam, as the latter was being led by the plaintiff's servant, ran against the fence and received injuries resulting in its death. But, *held*, that if the doorways of shops and the boundaries of private residences, churches, and other buildings on the sidewalks of thoroughfares, and perhaps on all sidewalks, were so fenced, such fencing would be a nuisance. *Held*, also, that the colt in question, five weeks old following its dam, could not be said to be running at large, the universal custom of the country which ought to govern being for colts thus to follow the dam.—*Hillyard* v. *Grand Trunk Railway Co.* Q. B. Division.

Insurance—Title—Incumbrance—Representation.—Action on two policies of insurance on dwelling-house, barn, etc., and contents. On the face of the policies was a provision making the applications part of the policies. By the first statutory condition, if the owner misrepresented or omitted to communicate any circumstance material to be made known to the Company to enable them to judge of the risk, the insurance should be void so far as respects the property misrepresented. By the fourteenth statutory condition, "all fraud or false swearing in relation to any of the above particulars," vitiated the claim. The insured property had been conveyed by the plaintiff's father to the plaintiff, the consideration being natural love and affection, and was made subject to a condition requiring the son to maintain and support the father and also a brother. In the application the property was stated to be held in fee simple, and to be unincumbered, and this was sworn to in the proofs of loss.

Held, that the statement as to the property was a misrepresentation merely, and its materiality was a question for the jury; and in any case the misrepresentation would only apply to the building and not to the chattel property. The judge at the trial having directed a verdict to be entered for the defendants on the ground that the untrue statement of itself vitiated the policy, a new trial was ordered.—*Goring* v. *London Mutual Fire Ins. Co.* Common Pleas Division.

Vagrant Act.—The Vagrant Act, 32 and 33 Vict., ch. 28 (D.), declares certain persons or classes of persons to be vagrants, and subject to punishment on summary conviction, amongst others, "all common prostitutes or night-walkers wandering in the fields, public streets or highways, lanes, or places of public meeting, or gathering of people, not giving a satisfactory account of themselves, all keepers of bawdy houses and houses of ill-fame, or houses for the resort of prostitutes, and persons in the habit of frequenting such houses not giving a satisfactory account of themselves."

Held, that the Act does not declare that being a prostitute, night-walker, keeper of a bawdy house, or frequenter thereof, makes a person a criminal liable to punishment as such; but only when such persons are found at such places under circumstances suggesting impropriety of purpose, and who, on request or demand, are unable to give a satisfactory account of themselves.—*Regina* v. *Arscott.* Common Pleas Division.

Building contract—Liquidated damages for delay.—Action for balance due under a building contract. Defence: that by the contract the plaintiff was to build the house and have the same completely finished and ready for the defendant's occupation by a named date "under a penalty of $5 per day" to be paid by the plaintiff to the defendant for each and every day the work on said house remained unfinished after the said date, alleging that the work remained unfinished after the said date for some sixty days, making an amount of $300 which defendant was entitled to deduct from the contract price. *Held*, on demurrer, defence good: that the $5, though called a penalty, were in fact liquidated damages.—*Chatterton* v. *Crothers*, Common Pleas Division;

Slander—Justification—Mitigation of damages.—In an action of slander the statement of claim set out that the plaintiff was a solicitor, and as such was retained and instructed by one S. to let certain farming lands and collect the rents and profits thereof for and on behalf of said S., and the defendant falsely and maliciously spoke and published of the plaintiff, that he, S., "could not get anything from the plaintiff who has been collecting the rent for S.; he had never made any return to S.; he has used the money himself; he has robbed him out of the whole affair, and the only thing he could do would be to send him to the penitentiary," meaning that the plaintiff was guilty of fraudulent and felonious conduct in his said business. In the statement of defence the defendant denied all the allegations contained in the statement of claim, and in the second paragraph said that if the plaintiff established that the defendant spoke and published of the plaintiff the words charged in any of them, the defendant in mitigation of damages said that S., defendant's brother-in-law, about fifteen years ago left this province and went to British Columbia, leaving the plaintiff in full charge and control of all his real and personal estate herein; but never had been able to get any satisfactory statement of his affairs from him; that in July last, defendant's sister, wife of S., returned to this province with instructions from S. to get such statement from plaintiff and effect a settlement with him; that for some eight weeks she endeavored constantly to get such statement from the plaintiff, but without avail; and therefore S. for such purpose was compelled to return to this province; that he discovered that plaintiff had received a sum of $600 from a tenant of S., for which plaintiff was unable to account, and had also received other sums of money which he had converted to his own use, and that S. had never been able to obtain from the plaintiff payment of the said sums of money so received by him.

Held, on demurrer to the second paragraph of the statement of defence, that it was good; that it set out facts which amounted to a justification, and if the defendant being so entitled to plead such facts as justification, chooses to restrict their effect to the mitigation of damages he may do so.—*Wilson* v. *Wood*, Common Pleas Division.

Minister of Agriculture and Commissioner of Patents—Jurisdiction—Examination of witnesses.—*Held*, that the Minister of Agriculture as commissioner of patents has jurisdiction, under S. 28, Patent Act of 1872, to decide any disputes as to whether a patent has become void for the non-observance or violation of the provisions of that section; and, *semble*, a private person has the right to question the validity of a patent, and that the intervention of the attorney general is not necessary. Also, that the Minister's duties are ministerial and not judicial, and therefore his decision cannot be reviewed in a court of law.

Held, also, that the Minister is not required to examine witnesses under oath or to grant summons for the attendance of witnesses before him, as the statute does not require it.

Quære, whether, if the Minister act judicially, the Provincial Courts have jurisdiction to question his decision, it being that of a court created by the Dominion Parliament.—*Re Bell Telephone Co.* Common Pleas Division.

Libel—Publication.—In an action of libel the alleged libel consisted of an account delivered by the defendant to the plaintiff. The account was headed "Mr. Joseph Jackson to Wm. Staley, Dr." A number of items were given with the dates, and amongst them the following: "Stole hay during winter, $4; and stole one hatchet hammer, $1.50." The plaintiff had been a servant of the defendant, and after a year's service, in consequence of a disagreement, left and asked for an account of amount due him for wages, when the defendant sent the above account (which overbalanced the claim for wages) in an envelope by his (plaintiff's) then employer M., who delivered it at the plaintiff's house, leaving it on the table between the plaintiff and his wife while at supper. The wife took it up and taking the account out of the envelope read it to the husband, who could neither read nor write. It did not appear that M. read the account or took it out of the envelope, and he was not called as a witness by plaintiff, or that the defendant knew that the plaintiff could not read. The only evidence suggested of such

knowledge was that defendant's wife had signed the contract for plaintiff's service with defendant, but it did not appear that defendant's attention had been called to the fact, or that he knew that the signature was in the wife's handwriting, or that plaintiff could not read. The plaintiff brought an action for his wages and was successful, and then brought an action for libel.

Held, that there was no evidence of publication, and the action failed.—*Jackson* v. *Staley*, Common Pleas Division.

LAWYERS IN THE NEW ADMINISTRATION.

Sir Hardinge Giffard, Lord High Chancellor of Great Britain, of whom a biographical account was published last week, has chosen the title of Lord Halsbury.

Sir Stafford Henry Northcote (Earl of Iddesleigh), G.C.B., First Lord of the Treasury, was called to the bar at the Inner Temple in 1847, and has been a member of the House of Commons for thirty years. He held the office of President of the Board of Trade in 1866-7, was Secretary of State for India in 1867-8, and Chancellor of the Exchequer from 1874 till 1880. He was elected Lord Rector of Edinburgh University in 1883, and is the eldest son of the late Mr. Henry Stafford Northcote. He was formerly Legal Secretary to the Board of Trade and Financial Secretary to the Treasury. Sir Stafford married, in 1843, Cecilia Frances (a member of the Imperial Order of the Crown of India), daughter of Mr. Thomas Farrer, of Lincoln's Inn.

The Right Hon. Gathorne Gathorne-Hardy, Viscount Cranbrook, G.C.S.I., D.C.L., Lord President of the Council, was called to the Bar at the Inner Temple in 1840, and became a bencher of that Inn in 1868. He was Under-Secretary for the Home Department in 1858-9, President of the Poor Law Board in 1866-7, Home Secretary in 1867-8, Secretary of State for War from 1874 to 1878, and Secretary of State for India from 1878 till 1880. He is a magistrate for Kent, and late chairman of the West Kent Quarter Sessions.

The Right Hon. Sir Richard Assheton Cross, G.C.B., who has been re-appointed Home Secretary, a position which he occupied from 1874 till 1880, was called to the Bar at the Inner Temple, of which he became a bencher. Sir Richard Cross is a magistrate for Cheshire, Lancashire, and late chairman of the Lancashire Quarter Sessions.

The Right Hon. Edward Gibson, LL.D., who is to be raised to the peerage on his appointment as Lord Chancellor of Ireland, was born in 1837, graduated at Trinity College, Dublin, and was called to the Irish bar in 1860. He was made a Queen's Counsel in 1872, and elected a Bencher of King's Inn, Dublin, in 1877. Mr. Gibson has been M.P. for Dublin University since 1875, and held the post of Attorney-General for Ireland from 1877 till 1880. Mr. Gibson, who is a magistrate for the county of Meath, married, in 1868, Frances, daughter of Mr. Henry Colles, barrister-at-law.

Mr. Richard Everard Webster, Q.C., Attorney-General, is the second son of the late Thomas Webster, Q.C., a bencher of Lincoln's Inn. He was born December 22, 1842, and was educated at King's College School, Charterhouse, and Trinity College, Cambridge, of which he is M.A., and where he was scholar, thirty-fifth wrangler, and third class in classics. He was called to the Bar at Lincoln's Inn in Easter Term, 1868, and goes the South-Eastern Circuit. He was 'tubman' of the Court of Exchequer from 1872 to 1874, and 'postman' from 1874 to 1878. He was created a Q.C. in Easter Term, 1878, a bencher Michaelmas 1881. In Aug., 1872, he married Louisa Maria, only daughter of William Charles Calthrop, Esq., of Withern, Lincolnshire.

Mr. John Eldon Gorst, Q.C., M.P. for Chatham, who has been appointed Solicitor-General, is a son of the late Mr. C. E. Lowndes, of Preston, Lancashire, and he assumed the name of Gorst in lieu of Lowndes in 1853. He was born in May, 1835, and was educated at St. John's College, Cambridge, where he graduated B.A. in 1857 and M.A. 1860. He was called to the Bar at the Inner Temple in 1865, when he joined the Northern Circuit, and was made a Queen's Counsel in 1875. He sat for Cambridge from 1866 to 1868, and was first returned for Chatham in 1875. His first appearance in any case of public note was at the inquiry held some

years ago respecting the death of Mr. Bravo, in what is generally known as the Balham mystery, when he represented the Crown at the inquiry.

Sir Henry Thurstan Holland, Financial Secretary to the Treasury, is the eldest son of the late Sir Henry Holland, M.D. He was called to the Bar at the Inner Temple in 1849, and is a bencher of his Inn. He was legal adviser to the Colonial Office from 1867 till 1870, Assistant Under-Secretary for the Colonies from 1870 till 1874, and has been M.P. for Midhurst from the latter date.

Mr. Aretas Akers-Douglas, Patronage Secretary to the Treasury, is the eldest son of the Rev. Aretas Akers, of Malling Abbey, Kent, and was born in 1851. He was educated at Eton and at University College, Oxford, and is a barrister of the Inner Temple. He was elected M.P. for East Kent in 1880. Mr. Akers assumed the additional name of Douglas, under the will of his kinsman Mr. Alexander Douglas.

Mr. Charles Dalrymple, Junior Lord of the Treasury, is the second son of the late Sir Charles Dalrymple Ferguson, and was born in 1839. He assumed in 1849 the name of Dalrymple, on succeeding to the estates of his great-grandfather, Lord Hailes, of Newhailes, Midlothian. Mr. Dalrymple is a barrister of Lincoln's Inn and a magistrate for Haddingtonshire, Midlothian, and Ayrshire. Mr. Dalrymple was M.P. for Buteshire from 1868 till 1880, and was re-elected in July of the latter year in place of Mr. Russell, whose election was voided.

The Hon. Edward Stanhope, Vice-President of the Council, is the second son of Philip, fifth Earl Stanhope, and was born in 1840. He became a barrister of the Inner Temple in 1865, Secretary of the Board of Trade from 1875 till 1878, and Under-Secretary of State for India from the latter date till the last dissolution. He was first elected to Parliament as member for Mid-Lincolnshire in 1874.

The Right Hon. Robert Bourke, who has been re-appointed Under-Secretary for Foreign Affairs—a post which he held from 1874 till 1880—is the third son of the Fifth Earl of Mayo. He was born in 1827, and was called to the Bar at the Inner Temple in 1852, and has sat for Lynn Regis since 1868. Mr. Bourke is a magistrate and deputy-lieutenant for Haddingtonshire. He was sworn a Privy Councillor in 1880.

Baron Henry de Worms, F.R.A.S., Parliamentary Secretary to the Board of Trade, is the youngest son of the late Baron de Worms. He was born in 1840. He was educated at King's College, London; was called to the Bar at the Inner Temple in 1863, and joined the Home Circuit. He is a magistrate for Middlesex, and has sat for Greenwich since the last general election.

Mr. Ellis Ashmead-Bartlett, Civil Lord of the Admiralty, is the eldest son of the late Mr. Ellis Bartlett, of Plymouth. He was born in 1848, and was called to the Bar at the Inner Temple in 1877, and was for some time one of her Majesty's inspectors of schools. He has sat in Parliament as member for Eye since 1880.

Mr. Charles Beilby Stuart-Wortley, Under-Secretary of State for the Home Department, is the second son of the late Right Hon. James Archibald Stuart-Wortley, Q.C., M.P., sometime recorder of London and Solicitor-General. He was born in 1851, and was called to the Bar at the Inner Temple in 1876, and is a member of the North-Eastern Circuit. From February, 1879, till March, 1880, he acted as secretary to the Royal Commission on the Sale, &c., of Benefices. Mr. Stuart-Wortley has sat for Sheffield since the last general election.—*Law Journal* (London).

GENERAL NOTES.

CRIMINAL LAW BILL.—A County Justice's Clerk writes as follows to the *Times* in regard to the Criminal Law Amendment Bill: Before it is too late I should like to ask the following questions: 1. Is it seriously intended that under the forthcoming Act a stout young woman of 15½ years may accompany, perhaps inveigle, a foolish lad, say, twelve months her junior, to a casual immorality, and that the result to him may be a commitment for trial and to her absolute impunity? 2. Suppose, on the hearing of an affiliation summons, it "transpires" (as they call it) that the complainant was under sixteen at the time when the cause arose, will it be the duty of the justices to commit the defendant for trial for an offence against a charge for which consent cannot be pleaded? 3. Will the clergyman who marries a couple, the bride being under sixteen, incur any legal responsibility? A stalwart old blacksmith in my neighbourhood was born in lawful wedlock, seventy-two years ago, when the united ages of his parents were under thirty-one, that of his mother being little over fourteen."