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Referring to the case of the prehistoric boat (*ante* p. 239), the *Law Journal* (London) says:—"In the case of *The Brigg Boat* Mr. Justice Chitty missed what appears the essential point of the case. The boat, although fossilized, is, it is admitted on all hands, a chattel. If not, the wigs and pairs of spectacles in the well at Buxton are realty. If it is a chattel, how does the owner of the land obtain the property in it? The learned judge lays down, on the authority of a criminal case, that the owner of the land had such possession of the boat as gave him a qualified property sufficient to support an indictment in his name. That may be so, but a qualified property, good against a wrong-doer, is not the same thing as the absolute property which the plaintiff claimed. So far as we know, the only process by which the property in a chattel vests in the owner of land on which it lies, is in virtue of an intention on the part of the owner of the chattel to affix it to the soil. There was not only no evidence of any such intention, but there was clear evidence of an intention on the part of the owner of the boat to abandon his property in it. There was no evidence of an intention on his part to abandon it to the owner of the soil. There was a general abandonment of it which inures to the benefit of the first finder, who were the defendants, the lessees. No doubt, if the plaintiff had not demised this land, no one but he could dig out the boat without committing a trespass, but in digging it out, the defendants were within their right, and were as much entitled to the boat as the street boy to the end of a cigar thrown away in the street. The boat was not in the nature of treasure trove, because the depositor of treasure, so far from abandoning it, hides it away in order to find it again. Treasure trove belongs to the crown, because not being abandoned it does not vest in the finder. If the decision be right, and the possession of the plaintiff gives him the property as against the lessee, the possession of the plaintiff's vendor would give him the property as against the plaintiff; the possession of his vendor's similarly, and so on, so far as the title can be traced. This endless prospect of litigation need not, however, be faced, nor need we look for the personal representative of the primæval Briton who left the boat where it is. This interesting savage evidently abandoned his property, to be found at last by a nineteenth-century gas company, who are entitled to rely on the principle of law in force through the ages that "findings are keepings."

The journal representing more especially the solicitor branch of the profession in England, contains some severe reflections upon the demeanor of the bench. Referring to a recent occurrence, it says:—"The exhibition of temper by Mr. Justice Stephen, at Nottingham Assizes, is one of those incidents which everyone must deplore. Mr. Stevenson, a solicitor, appears to have had a dispute with the judge's clerk, as to a document which, being held by both, came in two. The conduct of the solicitor does not seem to have been very reprehensible, and, indeed, it went wholly unpunished. But, verbally lashed by the judge, he mildly said that the members of his branch of the profession had a good deal to bear, which is perfectly true. This expression precipitated the judge into a flood of personal abuse, absolutely inexcusable, with the result that Mr. Stevenson must receive universal sympathy. Whether it is the distracting anxiety which Mr. Justice Hawkins says disturbs the judges, or the increased wear and tear of modern life, which is to be credited with the aggravated irritability which is to be found on the bench, we know not. But of this we are convinced that, if the judges are to retain the respect of the profession, they must not presume too much upon their position."

COPYRIGHT IN JUDGMENTS.

In giving judgment in the case of *Banks* v. *The West Publishing Company*, Mr. Circuit Judge Brewer says that he finds that the English Courts have generally sustained the Crown's proprietary rights in judicial opinions, and then proceeds to state the authority upon the question as follows:—

The first case in the order of time was that of Atkins against Stationers' Company, de-

cided in the eighteenth year of Charles II., being the year of 1666. Atkins having a patent from the Crown, claimed the exclusive right to print law books. The defendants had printed Roll's Abridgment. A bill was brought by the plaintiff asking an injunction, which the Lord Chancellor granted. The case was appealed to the House of Lords. It was there argued that law reports were the king's property, because he pays the judges who pronounce the law. The House of Lords took this view of the case, and affirmed the decree below. The case will be found reported in Carter's Report (p. 89). On page 91 of the opinion it is said: "The salaries of the judges are paid by the king, and the reporters in all Courts at Westminster were paid by the king formerly."

The next case was that of *Roper* v. *Streator*, decided in the year 1672, cited at length in Bacon's Abridgment (vol. 6, p. 507), and in 10 Modern (p. 106), and in 2 Showers (p. 260). Roper purchased of the executors of Coke a third part of his reports. Defendant Streator had a patent of copyright from the king, and printed these reports. Defendant Streator pleaded the king's grant as an owner of the copyright, the question being whether the king or Coke were the owners of the reports. The case was decided in the Court of King's Bench in favor of the plaintiff; an appeal was taken to the House of Lords, and the judgment of the King's Bench was reversed, upon the ground that the king was the owner of the copyright, and that the executors of the author of the reports could convey nothing (see 4 Burr. 2,316; Bacon's Abridgment, vol. 6, p. 507).

In the case of *The Company of Stationers* v. *Parker*, reported in Skinner's Reports (p. 233), Holt, who argued the case for defendant, said, on page 236, that he agreed the king had power to grant the printing of books concerning religion and law. In the case of *Baskett* v. *The University of Cambridge*, reported in 1 William Blackstone (p. 105), and decided in the year 1758, the Court of King's Bench held that the right to print the Acts of Parliament belonged to the king. Hale, C. J., in deciding the case, said: 'So the year-books taken at the expense of the Crown gave the king the property by purchase.' The Chief Justice in this case gives the history of the king's right to print and publish certain books at great length, and says: 'The king claimed copyright of Acts of Parliament before the grant of Henry VIII, and the copyright of the king was still asserted as well to books of religion as Acts of Parliament;' and, in conclusion on this subject, the Lord Chief Justice says: 'The Crown, therefore, has no prerogative at common law over the act of printing, but is merely entitled to especial copyrights.' In the case of *Eyre* v. *Carnan*, decided in 1781, and reported in 5 Bacon's Abridgment (p. 509), the Lord Chief Baron says: 'In the case of *Baskett* v. *The University of Cambridge*, it was held that the right of printing Acts of Parliament rests in the king.' In the case of *Miller* v. *Taylor*, 4 Burr. 2,305, the copyright of the king to all reports and Acts of Parliament was fully confirmed by Lord Mansfield, in a very elaborate and able opinion.

Short, in the 'Law of Copyright' (p. 36), states that the exclusive right was vested in the king to print the reports of judicial proceedings, statutes, orders of the Privy Council, translations of the Bible, etc. He further says that the claim of the Crown to this copyright has by some been based upon the right of property, by others on naked prerogative, by others on the ground that the expense of the publication is borne by the Crown; as to the Bible, that the sovereign is the head of the Church. Some of the decisions place the right upon the Crown, that the Crown is bound to see that correct copies of the Bible, laws, and judicial opinions are furnished the people. Others, that the Crown pays the judges who pronounce the opinions. Blackstone rests the right upon grounds of political and public convenience. 'The king,' he says, 'as executive magistrate, possesses the right of promulgating to the people the acts of State and government (see 2 Blacks. Com. 410). In view of this consensus of opinion on the other side of the waters, of the fact that the common law is in force in this country, so far as compatible with our system of Government and the condition and want of society, and that a mere change in the *locus* of the government power from the Crown to the people ought not to work ma-

terial change in the extent of that power, it may be that due regard for settled law forbids a decision in accord with the views I have expressed.

It is worthy of remark, however, that on this side of the waters, the proprietary right of the State in statutes or judicial opinions has never been adjudged, unless it is in two late cases, one in the Supreme Court of Massachusetts, and the other in the Supreme Court of Errors of Connecticut. The opinion in the former case I have not seen. In the latter, the Court says: 'The judges and reporter are paid by the State, and the product of their mental labour is the property of the State, and the State, as it might lawfully do, has taken to itself the copyright.' On the other hand, in the case of *Davidson* v. *Wheelock*, decided in this district in 1866, by Judge Nelson, the Court refused an injunction to restrain the publication of the constitution and laws of Minnesota, as revised and reenacted by the Legislature. In the course of his opinion, the learned judge uses this language: "It is true such compilation may be so original as to entitle the author to a copyright on account of the skill and judgment displayed in the combination and analysis. But such compiler could obtain no copyright for the publication of the laws only, neither could the Legislature confer any such exclusive privilege upon him.' — *American Law Review.*

COUR DE CIRCUIT.

MONTRÉAL, 10 juin 1886.

Coram PLAMONDON, J.

MATTE v. BÉDARD.

Juridiction—Personne ecclésiastique—Dommages —Curé.

JUGÉ: 1o. *Que les tribunaux civils dans la Province de Québec, ont juridiction pour entendre et juger les causes civiles pour ou contre une personne ecclésiastique.*

2o. *Qu'il n'y a pas lieu à une action en dommage contre un curé, parce qu'il aurait dit en chaire que les personnes qui avaient signé un certificat pour l'obtention d'une licence d'auberge avaient commis un faux, alors qu'il est prouvé qu'en effet, l'applicant pour licence n'était pas qualifié tel que le certificat le mentionnait.*

PER CURIAM: La présente action est une demande de dommages.

Le demandeur Arthur Matte, est un notable de la Paroisse de St. Constant et le Rév. P. Bédard est le curé de cette même paroisse.

L'action est une réclamation de dommages résultant au demandeur du fait que le défendeur aurait du haut de la chaire, diffamé son caractère.

Le défendeur, qui est prêtre, a rencontré la demande, d'abord par une exception déclinatoire. Il s'est retranché derrière ce qu'il appelle ses immunités ecclésiastiques. Il plaide:

"Ce que j'ai dit et fait dans cette circonstance, je l'ai dit et fait comme prêtre et agissant comme tel dans l'exercice de mon devoir, dans l'église de ma paroisse; et à ce titre je ne suis pas justiciable des tribunaux civils; je ne relève que de l'autorité ecclésiastique.

Je regrette beaucoup de ne pouvoir adopter la manière de voir du défendeur relativement aux immunités ecclésiastiques qu'il invoque; et ce, malgré que j'aie beaucoup admiré la science théologique d'un révérend témoin très savant et très érudit, produit par la défense.

Ce révérend témoin, qui est M. le curé Taillon, a essayé de nous prouver que le droit canon était le seul droit en vertu duquel le défendeur devait être poursuivi et jugé.

J'ai beaucoup admiré, je le repète, le latin et la science de ce témoin; mais pour moi le Code Civil, qui est écrit en français, est la seule loi que je dois suivre.

D'après le Code Civil, il n'y a aucune classe d'individus qui se trouve privilégiée, il n'existe aucun privilège quelconque pour exempter qui que ce soit de répondre et de se soumettre aux ordres et aux jugements de nos tribunaux.

Je suis donc d'opinion que le défendeur est justiciable de ce tribunal, je trouve son exception mal fondée et je la renvoie; chaque partie payant ses frais sur icelle.

J'en viens maintenant au mérite.

La plainte du demandeur est à l'effet qu'un certain dimanche de la fin d'avril 1885, du haut de la chaire de l'église de St. Constant, le Curé défendeur se serait servi

de certaines expressions que je citerai tout à l'heure.

Voici un peu comment se sont passées les choses.

Dans le mois d'avril 1885, deux hôteliers tenaient auberge dans la paroisse de St. Constant. Tous deux se sont adressés aux commissaires fédéraux pour obtenir le renouvellement de leur licence.

L'un d'eux l'a obtenue mais l'autre, savoir un nommé Longtin se l'est vu refuser à raison de représentations faites aux commissaires par M. le curé Bédard, sur le défaut de qualification du dit Longtin pour tenir une auberge.

Le nommé Longtin s'est alors adressé au conseil de la municipalité pour obtenir une licence et s'est fait signer par certain nombre de contribuables le certificat de qualification exigé par la loi. Parmi les signataires de ce certificat se trouvait le demandeur.

C'est de là que commencent les griefs du demandeur.

Il appert que le curé aurait, avant la présentation de la requête de Longtin au conseil municipal eu vent de l'intention de Longtin de prendre ce recours, et qu'il a mis ses paroissiens en garde contre le danger de signer imprudemment et aveuglément des certificats de bonne conduite en faveur de *gens* qui n'en était pas dignes.

Jusque-là, le curé faisait acte de bon prêtre, de bon citoyen, et agissait en homme qui veut le respect de la loi.

La requête de Longtin fut néanmoins présentée avec le certificat ainsi signé, et grâce à ce certificat elle fut accordée ainsi que la licence demandée.

Le lendemain de l'obtention de cette licence, qui était un dimanche, le défendeur monta en chaire et prêchant sur le mensonge et le parjure, il dit à ses paroissiens que ces délits étaient malheureusement trop fréquents; qu'on ne se faisait pas, généralement, assez scrupule de livrer et sa parole et ses écrits aveuglément, imprudemment et faussement. Il dit alors que ceux qui avaient imprudemment et aveuglément signé le certificat au moyen duquel Longtin avait obtenu sa licence avaient commis un faux. Voici les expressions du défendeur telle que rapportées dans la déclaration :

Je passe les *adjectifs-qualificatifs* d'introduction. "Ceux qui ont signé le certificat de "licence de J. O. Longtin ou de celui qui a "fait application devant le conseil municipal pour telle licence en vertu de la loi "provinciale, ont fait un faux. Je les accuse "d'avoir fait un faux et je le dirai en chaire "tant que je le voudrai, ne m'occupant pas "des tribunaux civils; et si vous voulez "savoir ce que c'est qu'un faux, allez trouver "les avocats."

C'est sur ces paroles que le demandeur base son grief.

Je dois d'abord faire remarquer que le curé n'a pas nommé le demandeur comme étant un de ceux qui avaient signé le certificat. Il est en preuve qu'il n'a pas non plus nommé Longtin; mais il a été bien compris. Il a dit, généralement, "ceux qui ont signé ce certificat, ont fait un faux."

Dans son plaidoyer au fond, le défendeur dit:

"En cette affaire, j'ai agi comme prêtre et comme tel, je suis chargé de veiller à la moralité de mes paroissiens. Je savais depuis longtemps que Longtin ne tenait pas une maison conformément aux exigences de la loi; qu'il n'avait pas le nombre de lits requis; qu'il laissait boire dans sa maison des gens ivres, et laissait jouer aux cartes chez lui. Je savais tout cela et j'ai cru devoir m'adresser d'abord aux Commissaires afin d'empêcher l'obtention de cette licence.

"J'ai cru devoir ensuite mettre le conseil municipal sur ses gardes et lorsque la chose a été consommée et la licence obtenue, je n'ai pas pu m'empêcher de dire à mes paroissiens qu'ils avaient signé un certificat faux; qu'en déclarant sous leur signature que Longtin était qualifié sous tous les rapports suivant la loi et la morale pour tenir une auberge ils avaient signé un certificat faux et déclaré *être vrai* ce qu'ils savaient *être faux*."

C'est là le plaidoyer du défendeur.

Je crois que toute la difficulté est clairement résolue par la preuve. Il n'y a pas le moindre doute que ce que le curé a dit à l'époque mentionnée se rapporte à Longtin, et que Longtin n'a pas tenu, l'année précédente une maison telle qu'il devait la tenir.

Il est prouvé qu'il n'a pas eu dans son hôtel les accommodements voulus par la loi.

Il est prouvé qu'il a donné à boire à des gens ivres, et que des femmes y sont allées chercher leurs maris ivres. Il est aussi en preuve que Longtin a laissé jouer aux cartes dans sa maison.

Le curé avait raison de s'adresser au conseil municipal pour empêcher l'obtention de la license, et je suis d'opinion que le curé avait droit de réclamer en chaire et dans les termes dont il s'est servi contre le délit moral commis par ceux de ses paroissiens qui avaient signé ce certificat de Longtin. Il est prouvé qu'aucun des signataires ne pouvait ignorer les circonstances qui ont motivé l'opposition du curé à l'obtention de cette licence et le demandeur les connaissait comme les autres signataires.

Le curé a accusé les personnes qui avaient signé le certificat de Longtin d'avoir commis un faux. Eh bien, est-ce là un expression impropre?

En français, ce n'en est pas une. Dans le langage du pays on ne lui donne peut-être pas tout-à-fait la même portée. Mais d'après les autorités citées le défendeur avait droit de se servir des expressions dont il s'est servi.

Je sais que dans la langue usuelle de notre pays si l'on entend dire que quelqu'un a commis un faux, tout de suite l'idée vient que c'est une offense criminelle. Néanmoins il est parfaitement prouvé par tous les témoins que personne ne s'est trompé sur le sens des paroles du Curé. Toutes les personnes présentes ont compris que M. le Curé accusait les signataires du certificat en général, le demandeur comme les autres, d'avoir faussement certifié comme vraie une chose fausse.

Chose singulière, ce n'est pas l'aubergiste qui se plaint des paroles du Curé! c'est un des signataires du certificat, qui n'a pas été nommé, et qui se trouvait compris dans la classe de personnes auxquelles le défendeur référait alors.

Je dois ajouter que le dimanche suivant, avant l'institution de l'action, le Curé ayant appris que l'expression dont il s'était servi avait blessé quelques-uns de ses paroissiens, s'est adressé de nouveau en chaire, à ces mêmes paroissiens et leur a dit qu'il ne voulait rien rétracter, mais qu'il voulait leur répéter et leur expliquer ce qu'il avait réellement dit en se servant des mêmes paroles. Il a fait ce qu'il devait faire en conscience. Il a dit: l'expression dont je me suis servi comportait telle et telle chose et rien de plus. Dans ces circonstances, je suis d'opinion que le curé n'a fait que son devoir. Il est dit dans la déclaration que le curé est un plaideur, et qu'il a eu souvent maille à partir en justice! A-t-il plaidé ailleurs qu'ici? Je l'ignore. Mais je dois déclarer que dans le cas actuel il n'y a pas de reproches à lui faire. S'il est venu en Cour, c'est qu'on l'y a traîné et il en sort très bien! Action renvoyée avec dépens.

Ethier & Pelletier, avocats du demandeur.
Pagnuelo, Taillon & Gouin, avocats du défendeur.

(J. J. B.)

*SUPERIOR COURT—MONTREAL.**

Shareholder—Liability for calls—Allotment of stock—Evidence—C. C. P. 1034 — *Intervention.*

1. An action for calls may be maintained against a person who signed the subscription list, and appended the number of shares taken by him, although no allotment of stock was ever made by the directors.

2. The subscription of shares in a company proposed to be incorporated is a mere proposition to take stock therein, and is not binding; but where the subscriber's name has been inserted in the letters patent, even without his knowledge or consent, he is liable as regards third parties.

3. Verbal evidence is inadmissible to establish that a subscription to stock, which is absolute on its face, was made conditionally.

4. The liquidator of an insolvent corporation is entitled to intervene in an action by a creditor against a shareholder of such corporation for unpaid calls.—*La Banque d'Hochelaga* v. *Garth*, Loranger, J., June 26, 1885.

THE PHOTOGRAPH AS A FALSE WITNESS.

In commenting last week on a decision given by Justice North, and which decision seems to have been very much influenced by a photograph, we alluded to one way in which photography may give directly false evidence, and we may now mention another typical case. A friend of ours, who some years ago had a portrait studio in the city, formed a speaking acquaintanceship

* To appear in M.L.R., 2 S. C.

with a solicitor, as the result of meeting him almost daily at a dining-room. One day the solicitor greeted the photographer by expressing high disgust towards photography and photographers; "for," said he, "one of you fellows will make me lose an ancient lights case to-morrow." "More fool you," answered the photographer; "you should get some photographs taken on your side also." In a close conversation of some fifteen minutes, which followed, the solicitor learned what he did not know before; he learned that the photograph may be made to speak for this or for that, according as the finger of mammon does point. An inspection was made, and it was found that a photograph so untruth-telling as to be altogether satisfactory to the plaintiff could only be taken under the following conditions. The lens must include an exceptionally wide angle; the view must be take from the roof of a certain building in the neighborhood, and late in the afternoon. Much work had to be done. The lens had to be borrowed from a celebrated optician, who had only just succeeded in constructing his first extra wide-angle lens. Difficulties as to access to the desired standpoint had to be overcome, but all the obstacles were surmounted, and, to the delight of the lawyer, a photograph was produced which showed the new wall as being close to the plaintiff's premises, and magnified into disproportion, while the long, black evening shadow trailed across the diminished building of the plaintiff, rendering his windows almost invisible for the very blackness. Here was a striking contrast to the defendant's photograph, which showed the plaintiff's building large, and illuminated by the mid-day light, while on the remote edge of the picture was the recently-erected wall, to be seen as small and distant. To revert to the case which was heard last week, Justice North, when he said that "he had seen some very clear photographs which convinced him that the inscription was put up in such a way that passers-by would not be deceived," may have been fully aware of all the circumstances we referred to. He may have known that a signboard may be painted with two totally different inscriptions, one of these inscriptions being latent to the eye, and patent to the ordinary sensitive plate; while the other inscription is patent to the eye, but latent to the sensitive plate. He may have studied the recent developments of ortho-chromatic photography, and he may, perhaps, look forward to the time when it may be possible to represent on the sensitive plate all objects in their correct relative intensities. He may have known how photography has sometimes done good service in rendering obvious things invisible to the eye; how stars invisible to the eye can be seen by the recording eye of the camera; how erased writing has been brought to light, and how the markings of eruptive disease have been seen by the camera before the eye could detect them. Knowing all this, he may have satisfied himself that the photographs were truthful ones. There is, however, a possibility that he did not know much about the possibilities of the case, and that he took it for granted that photographs cannot lie. If so, he has created a dangerous precedent. Photographs ought to be seldom received, except in conjunction with the personal evidence of the photographer who took them, and when there is satisfactory, independent evidence that the photographs are truth-speaking witnesses. "Can the sun lie?" is often asked; but asked much in the same spirit as that in which he who told so much unpleasant truth to the people of Israel asked, "Can the leopard change his spots?" A question which is supposed to carry its own answer. Perhaps we may say that, though the sun does not lie, the liar may use the sun as a tool, and, in doing so, he, the perverter of the truth, may quote such old questions as—*Quis dicere falsum solem audeat?* assuming that the answer is so obvious as to be altogether superfluous. Let all, then, beware of the liar who lies in the name of truth.—*Irish Law Times.*

MODE OF SWEARING WITNESSES.

It will be remembered that several letters recently appeared in these columns under the heading, "Kissing the Book." They arose from the circumstance that a medical witness, when giving evidence in the Divorce Court, objected to kiss the book presented to him, on the grounds, that as the two previous witnesses were common prostitutes, he might incur a risk of infection. Simultaneously,

several medical witnesses in different parts of the country made a similar objection, the difficulty in each case being eventually got over by the witness being permitted to kiss the open book. Mr. John Patterson, J. P., of Liverpool, has recently addressed a letter to one of the local daily papers, in which he calls attention to the Act of Parliament which is still in force, and which runs as follows: "1 & 2 Vict., ch. 105, 14th Aug. 1838. Be it declared and enacted. That in all cases in which an oath may lawfully be and shall have been administered to any person, either as a juryman, or a witness or a deponent in any proceeding, civil or criminal, in any court of law or equity in the United Kingdom, or on appointment to any office, employment, or on any occasion whatever, such person is bound by the oath administered, provided the same shall have been administered, in such form and with such ceremonies as such person may declare to be binding; and every such person, in case of willful false swearing, may be convicted of the crime of perjury in the same manner as if the oath had been administered in the form and with the ceremonies most commonly adopted." Mr. Patterson contends from this that any Presbyterians may claim to be sworn as their coreligionists in Scotland and Ireland are, with uplifted hand. We have taken some pains to ascertain the law upon this point, and find that not only is this true, but also that any native of Scotland or other country where the oath is administered with uplifted hand may claim to be sworn in a similar manner. And, moreover, any person who declared that that is the method of taking the oath which he considers binding may claim to be sworn, be his or her nationality or religion what it may. All that is required by the court is that an oath shall be taken before it. It will thus be seen that all those witnesses who object to the kissing of the same book can avoid doing so, provided they declare that by holding up the right hand while the words of the oath are repeated they consider themselves duly sworn. Whether this may lead te the universal adoption of the Scotch oath remains to be seen, but there can be no second opinion as to its being preferable to the present mode adopted in England. Even if the risk of infection were remote, the successive handling and kissing the book by a number of witnesses is, to say the least, an uncleanly practice. Should any objection be taken by the court to a wholesale preference for the uplifted hand, perhaps each witness will be permitted to bring his own testament.—*Lancet.*

REFUSAL TO TESTIFY.

On Monday, in the course of the trial of an action before Mr. Justice Field, a witness, who spoke with a very strong American accent, declined to be sworn, until he was paid for having been kept here in England, awaiting this trial for two and a half years. The learned judge asked, "What sum is it you claim?" Witness—"£450, judge." Mr. Justice Field—"Will you give your evidence if the plaintiff's solicitors undertake to pay you such a sum as the court shall determine to be fair and reasonable?" Witness—"I guess that depends on what the court decides." A solicitor's clerk was here called and proved the service. The witness, addressing the clerk in indignant tones, said: "Is that the way you serve *subpœnas* in a British court? Coming up and shoving a bit of blue paper into my face, the contents of which I don't know, and which I have not read. Do you wear no badge to show your authority? Why, Mr. Judge, I didn't know who he was. Didn't know him from a row of beans!" After some discussion, Mr. Justice Field retired to consult another judge. On his return, he said: "This is a most exceptional case; neither my learned brother nor I have ever known the like. For here we have a foreigner—in the sense that he resides without our jurisdiction—refusing to give evidence as agreed, and he evidently has been detained in this country for a long time, at the request of the plaintiffs, and so has been prevented from earning, he states, £15 a month. This is his story, and I have no means of trying such a question, nor do I intend to do so. If I thought for a moment (addressing the jury), gentlemen, that this man was refusing to give his evidence for any contemptuous reasons, I should not hesitate, but would follow the usual course in such cases, and commit him. But I do not

think that he is so acting, and under all the peculiar circumstances of this case, I decline to imprison this man, unless counsel can give me some authority upon which I can act." As counsel could not cite any authority, the witness escaped.—*London Law Times.*

DISMISSAL OF GOVERNESS.

On July 22, before Lord Esher, M.R., without a jury, the case of *Procter* v. *Bacon* was heard. The plaintiff was a governess, and claimed damages for wrongful dismissal. The evidence showed that in September, 1885, the plaintiff had been engaged by Mrs. Bacon, of Blount's Court, Henley-on-Thames, at a salary of 75*l.* a year, subject to three months' notice. She entered on her duties in September, and on December 16 left for her Christmas holidays. As she was on the point of leaving, and while the carriage was at the door, to take her to the station, an unpleasantness arose between her and the servants in consequence of no lunch being ready for her. Mrs. Bacon, three of whose children were ill at the time, was called downstairs, and found, according to her statement, the plaintiff in the hall in a violent passion and abusing the servants generally. She refused to come into the dining-room and speak to Mrs. Bacon, and after she left Mrs. Bacon wrote and required her to apologise for her conduct before she returned. The plaintiff declined to do this, and was accordingly dismissed, the defendant refusing to pay three months' salary in lieu of notice. Evidence corroborating that of Mrs. Bacon was given by the servants respecting the plaintiff's behaviour at the time of leaving. The plaintiff admitted that she was 'excited,' but said that 'no one knew what she had to put up with from the servants.'—Lord Esher, in giving judgment, remarked that both ladies had acted wrongly, the plaintiff in getting into a passion with the servants, and Mrs. Bacon in refusing, though she did it by her husband's advice, to pay the three months' salary. But a servant could only be dismissed without notice on account of misconduct so serious as to be inconsistent with the continuance of the relationship of master and servant. The plaintiff's conduct in the present case fell short of that. His lordship accordingly gave judgment for the plaintiff, giving as damages a quarter's salary, amounting to 18*l.* 15*s.*

INSOLVENT NOTICES ETC.

Quebec Official Gazette, Aug. 7.

Judicial Abandonment.

Théodore H. Malette, trader, Montreal, July 26.

Curators appointed.

Re J. A. Claveau, Chicoutimi. — H. A. Bedard, Quebec, curator, Aug. 2.

Re Théodore H. Malette.—J. C. Marchand, Montreal, curator, Aug. 3.

Dividends.

Re J. S. Gauvreau.—First and final dividend, payable Aug. 20; H. A. Bedard, Quebec, curator.

Re Alex. Paré.— Final dividend, payable Aug. 24; Kent & Turcotte, Montreal, curator.

Re L. T. St. Cyr, Three Rivers.—Final dividend, payable Aug. 24; Kent & Turcotte, Montreal, curator.

Separation as to property.

Dame Josephte Chaurette vs. Nicolas Charron dit Ducharme, parish of St. Felix de Valois, district of Joliette, Aug. 4.

Dame Joséphine Lesage vs. Charles Cadotte, Montreal, boot and shoe manufacturer, July 31.

Dame Julie Racette vs. George Martineau, Montreal, July 20.

GENERAL NOTES.

The practice of interrupting counsel begets carelessness in the preparation of arguments. Young men, as a rule, prepare their arguments, but seldom deliver them as prepared, for the reason that by constantly being interrupted to answer questions or dispose of incidental points, the thread of the arguments is broken and not taken up again. Knowing this, and knowing that it is useless to spend time again in preparing an argument which will never be delivered, the points are in future merely jotted down and delivered to the Court as opportunity offers. There is nothing that shortens the merely voluble man's speech so much as silence. The more points you suggest to him the more he will argue, the longer he will talk, and the oftener he will repeat.—*Canadian Law Times.*

WRITER'S CRAMP.—Those who suffer from this distressing malady will be glad to be informed of an invention, which has just been patented, called the 'Brachionigraph.' This instrument is designed to enable a pen to be used without employing any of the fingers and so to give perfect rest to the muscles affected. It is always the muscles of the fingers or hand that first give symptoms of shaking or pain. The writer then usually holds his pen in some odd position, and for a time gains more or less relief. His physician orders him to give up writing, which to many a clerk and copyist means loss of livelihood and ruin. With this instrument, it is said, writing can be done quite as rapidly as before, yet the disease is not increased. It is in appearance like a leather sleeve with a new and peculiar fastening, and with light mechanism for securing the pen or pencil in just the position the user generally adopts in writing.—*Law Journal* (London.)