The Legal News.

VOL. XII. AUGUST 24, 1889. No. 34.

PERMITTING CHILDREN TO PLAY IN THE STREET.

In view of the constantly recurring questions as to the negligence of parents for permitting children of tender years to play in the streets, a brief reference to recent authorities on the question may be of interest.

Where an engineer saw nothing on the track, although he saw children near it and a woman running toward the train and waving her hands, and made no effort to stop the train until, within a few feet, he saw a child, too late to prevent running over it, as he might have done had he slackened his speed when he saw the woman, it was held that the company was liable, even though the child's parents were negligent in letting it play so near the track: *Donahue* v. *Wabash, St. Louis, etc., Ry. Co.*, 83 Mo. 543.

In an action by a father for the death of his child, which fell into an exposed excavation, evidence that the father was unable to employ any one but his housekeeper to take care of his children is inadmissible on the question of contributory negligence: *Mayhew* v. *Burns*, 103 Ind. 328.

It is not necessarily negligence to permit a child of three years of age to go upon the streets attended only by a child of seven: *Stafford* v. *Rubens*, 115 Ill. 196.

An intelligent child, between four and five years of age, had been warned not to go near an excavation. It was held that if the parents allowed her freely to run at large near the excavation, such negligence would defeat an action for damages: *Ryder* v. *Mayer*, 50 Supr. 220.

To permit a child sixteen months of age to go alone into a crowded thoroughfare is negligence which will defeat a claim for damages for negligently running over it and causing its death, where it appears that the conduct of the infant would have been negligent had it been *sui juris*: *O'Keefe* v. *Ryan*, N. Y. Daily Reg. 9th May, 1884.

The recovery of damages for injuries causing the death of a child will not be defeated by the contributory negligence of a parent in allowing a young child to go unattended in the street, where the negligence of the driver of the vehicle which injured the child was gross: *Connery* v. *Slavin*, 23 Weekly Dig. 545.

It is a question for the jury whether a mother was guilty of negligence in leaving a child seventeen months old alone in a room, and protecting the door by placing a chair across it, through which the child crawled, and passing through a gate and across a lot, reached a railroad track, where it was injured: *Chrystal* v. *Troy & Boston R. R. Co.*, 22 Weekly Dig. 551.

It is not necessarily negligence in a mother, allowing a child to go out to play on the sidewalk, on an August afternoon, in company with her brother, a child of some seven years: *Birkett* v. *Knickerbocker Ice Co.*, 41 Hun, 404; affirmed, 110 N. Y. 50.

If a child of tender years, in crossing a street, exercises the degree of care and prudence required of a person *sui juris*, it is immaterial that the parents of the child were guilty of negligence in permitting it to go upon the street: *Cumming* v. *Brooklyn City R. R. Co.*, 104 N. Y. 669.

It is not negligence, as a matter of law, where a father of the injured child left it at the door of his store to go in and make change, cautioning the child, who was between five and six years of age, not to go far away, returning from two to five minutes later, during which time the accident had taken place. It is not, as a matter of law, wrongful or negligent to permit a child to play in the street: *Kunz* v. *City of Troy*, 104 N. Y. 344.

A child, three years and ten months old, escaped from his mother's house and care, and, unobserved by them, followed his elder sister and her playmates across and along defendant's track about 500 feet, to the place

where he was injured by the defendant "kicking" cars upon its side switch: *Held*, that the defendant was lawfully engaged in its proper business, upon its own property, and had no reason to apprehend that a child would come unattended upon its tracks in the immediate front of a slowly moving freight-car, and the judgment for the plaintiff was reversed and a new trial ordered: *Malone* v. *Boston & Albany R.R. Co.*, 51 Hun, 532.

An infant three years old was injured on board the steamship Burgundia by the rudder chain, which ran into an open box on the main deck. He had been left by his nurse alone, and when hurt he was in a part of the ship where he had no right to be. *Held*, that the fault rested with those who had charge of the child, and that the vessel was not liable for the injury: *The Burgundia*, 29 Fed. Rep. 464.

Whether it is negligence in the parents of a child a year and ten months old to send him out on the street for air and exercise, in charge of his brother, who was eight years old, is a question of fact for the jury, depending upon how much the street is used, and upon the intelligence, capacity and experience of the elder child: *Bliss* v. *Town of S. Hadley*, 145 Mass. 91.

Where the mother set a cup of bread and milk before a child sixteen months old, and went into an adjoining room to strain milk, when the child wandered out of the house and upon a railroad track and was killed, it is for the jury to say whether she was guilty of contributory negligence: *Riley* v. *Hannibal & St. Jo. R. R. Co.*, (Mo.) 7 S. W. Rep. 407.

An infant, of less than five years, was under the care of his mother, who had a nursing child, and had been in the house nearly all the afternoon. Upon her going into another room for a moment or two, without her knowledge or consent, he went out upon the street, where he was injured. There was no evidence of what he was doing at the time. *Held*, that the jury were warranted in finding no want of due care on the part of either the mother or child: *Marsland* v. *Murray*, (Mass.), 18 N. E. Rep. 680.—*N. Y. Law Journal.*

COUR DE MAGISTRAT.

MONTRÉAL, 17 avril 1889.

Coram CHAMPAGNE, J.

IRVINE v. BURCHELL.

Action sommaire—Plaidoierie—Exception à la forme—Délai.

Sur motion pour faire renvoyer une exception à la forme produite le troisième jour après le retour de l'action, dans une cause sommaire:

JUGÉ:—1o. *Que dans les causes sommaires, d'après l'acte* 51-52 *Vict., ch.* 26, *le défendeur est tenu de plaider, même à la forme, sous deux jours à compter de la comparution.*

2o. *Que lorsque le deuxième jour est un jour non juridique, le plaidoyer peut être produit le troisième jour.*

Motion renvoyée.

E. Desrosiers, avocat du demandeur.

W. S. Walker, avocat du défendeur.

(J. J. B.)

COUR DE MAGISTRAT.

MONTRÉAL, 9 mai 1889.

Coram CHAMPAGNE, J.

SEGUIN *et al.* v. GAUDET, et le dit SEGUIN, reqt. en désaveu, et BOURGOIN et PELLAND, déf. en désaveu.

Désaveu—Procureur ad litem—Procédure.

JUGÉ:—1o. *Que l'avocat peut en vertu de son mandat général ad litem renoncer à un acte de procédure nul en la forme, pour le remplacer par un acte régulier;*

2o. *Que pour qu'il y ait ouverture à l'action en désaveu, il faut qu'il y ait faute grave de la part de l'avocat;*

3o. *Qu'il faut de plus qu'il y ait eu préjudice causé à la partie qui se plaint, et la question de savoir s'il y a eu préjudice relève entièrement de l'appréciation du juge;*

4o. *Que lorsque, comme dans l'espèce, il appert par les allégations de la requête en désaveu que loin d'avoir souffert quelque dommage, la position du requérant a été rendu meilleure par l'acte de son avocat, la requête en désaveu doit être renvoyée.*

PER CURIAM.—MM. Bourgoin et Pelland furent chargés par les demandeurs de prendre une saisie-arrêt avant jugement contre le dé-

fendeur. Ce dernier comparut par avocat et produisit une exception à la forme se plaignant du défaut d'assignation, alléguant que le défendeur avait quitté la province de Québec et n'avait pas été assigné régulièrement. Les avocats des demandeurs voyant que l'exception à la forme était bien fondée, donnèrent main levée de la saisie, et obtinrent jugement de consentement contre le défendeur pour la dette et les frais, moins les frais de l'exception à la forme qui devaient être payés par les demandeurs. Ces derniers mécontents firent une requête en désaveu. La Cour croit cette requête mal fondée.

Requête en désaveu renvoyée.

Autorités:—Rousseau et Laisney, Dictionnaire de P.C., vo. *Désaveu*, No. 15, p. 620; No. 32, p. 622; No. 50, p. 624, No. 51.

L. N. Demers, avocat des requérants.

M. Laferrière, avocat du défendeur.

Bourgoin & Pelland, avocats des intimés.

(J. J. B.)

COUR DE MAGISTRAT.

MONTRÉAL, 2 mai 1889.

Coram CHAMPAGNE, J.

MARCOTTE v. GUILBAULT.

Vente—Agent—Mandat—Conditions de paiement—Pension—Livraison.

JUGÉ:—1o. *Qu'un mandataire chargé de prendre des ordres pour le commerce de son commettant, n'a pas le droit de faire des conditions quant au paiement, par exemple, de stipuler que pour le paiement il se placera en pension chez l'acheteur;*

2o. *Que dans le cas d'une pareille convention, si l'acheteur, après avoir reçu la marchandise directement du marchand, sur le refus de l'agent d'en recevoir le prix en pension, remet à ce dernier la marchandise livrée, il devra en payer le coût quand même au marchand.*

PER CURIAM.—Le demandeur réclame $27, prix de cigares vendus et livrés. Le défendeur plaide qu'il ne connait pas le demandeur, qu'il a acheté les cigares d'un nommé Gauvreau qui devait prendre pension chez lui en paiement. Qu'après la livraison des cigares, Gauvreau est revenu chez lui et lui aurait dit qu'il ne pouvait prendre de pension chez lui et que là-dessus il aurait repris les cigares. La preuve établit que les cigares ont été livrés par deux employés du demandeur qui ont dit au défendeur en lui donnant la facture: "M. Mar- "cotte vous envoie mille cigares." Le mandat de Gauvreau ne l'autorisait pas à contracter avec le défendeur pour son bénéfice personnel: et le défendeur en recevant directement les cigares de la maison Marcotte devenait leur débiteur, et ne pouvait pas payer ou remettre les cigares à Gauvreau qui n'avait pas d'autorisation pour recevoir paiement.

Jugement pour le demandeur.

Autorités:—C.C., arts. 1144, 1145; *Rouillard* v. *Mariotti*, 29 mars 1889, 12 Leg. News, p. 259; *Demolombe*, 27, Nos. 132, 137, 175, 178; *Tribunal de Châteaubriand*, 19 nov., 1868; *Sirey*, 1869, 2, 216; *Rivière, Commis-voyageur*, No. 105; *De Villeneuve et Massé, Dictionnaire du Contentieux*, vo. *Commis-voyageur*, No. 6.

Bourgoin & Pelland, avocats du demandeur.

A. Dalbec, avocat du défendeur.

(J. J. B.)

THE RIGHT OF MEETING IN THE PUBLIC STREETS.

The sheriff of Dundee, in a recent appeal, spoke on this subject as follows:—"The law of the public streets is well settled, but it has been settled for the most part by the civil courts, for the attention of criminal courts has been confined chiefly, not to those who use the streets, but to those who seek to pervert them from their proper use, and to infringe the equal rights and interests of others. However, I do not blame you very much for your ignorant, foolish plan of breaking the law in order to test it. You are merely following the absurd example of others who are aliens to the common sense and common intelligence of Scotland, and who cannot apprehend an abstract idea until a policeman's baton has brought it into close relation with the outside of their skulls, who are irrational enough to fancy that they are advancing the cause of liberty, when they are destroying, or at least assailing, the sole and essential safeguard of liberty, which is law. I do not know that it is my duty to give an exposition of law be-

yond what this case requires; but as I would rather keep respectable men, even though wild enthusiasts, out of prison and out of trouble than tempt them into it, I shall prefer to err rather on the side of frankness than of reticence. The streets of the town are the property, not of the magistrates alone, but of the whole inhabitants of the town, and they are dedicated to the ordinary and well-known uses of roads or of streets. They are dedicated to be thoroughfares for men, for animals, and for carriages, and not dedicated to be arenas for orations, or for manifestations of mob force and its powers of intimidation and destruction, or for rioting. No one, on the pretense of enlightening or converting the public, has a right to obstruct the street. He is bound to walk on and keep his feet in motion, however his tongue may be occupied; and any one who collects a crowd—whether he be a cursing fishmonger, or a frantic politician, or a demented Salvationist—is a breaker of the law, because he is not merely using his own right in the streets, but usurping the rights of others, obstructing their right of way, and annoying them by excited, loud, incoherent raving, or at least by noise they do not wish to hear. No men, whatever their calling or station, have any right of public meeting on the streets. The magistrates themselves have no such right. They are trustees for the public, and their power over the streets is simply to regulate the use of the streets for the benefit of the whole public, not to convert them or any part of them into arenas for public meetings, which would not be a regulation of the use of public thoroughfares, but a perversion to an entirely different and perhaps mischievous purpose, and an obstruction of public rights of way. In my opinion a magistrate would have no more right to denounce socialism to a crowd on the High Street, than a socialist would have a right to denounce the magistrates in the same place on Sundays or on Saturdays, and I incline to the conviction that the mouth of any Sunday street orator can be closed, if not by the police, then by interdict as a public nuisance. If there be one personal right belonging to every inhabitant of Scotland, to every citizen of Dundee, more than another, it is his right to spend his Sunday in peace, to say his prayers in public or in solitude, to meditate in silence upon the lights and shadows of existence, to think his own thoughts without distraction, whether they be profane or pious. But how could any one not deaf, in the vicinity of High Street, Dundee, think his own thoughts and enjoy his Sabbath peace with one set of fanatics yelling about the miseries of the poor and the vices and oppression of the rich; another set singing hymns to various different tunes, some with sacred and many with secular associations; a few units in ecstacies of hope shouting "Hallelujah;" and a greater number in paroxysms of despair practising the exercises of howling and groaning by way of preparation for a miserable hereafter? Because a man is a fanatic inspired by ignorant or unprincipled socialism, or not less ignorant, unreasoning superstition, what right has he to rob the peaceable, rational, home-keeping inhabitants of a district of their Sabbath peace, and force upon them a medley of wild, unhappy noises, as if Bedlam had let loose its most discontented, strong-lunged, weak-minded inhabitants? Is it not rather strange and somewhat unaccountable that politicians who pretend to seek after equal rights for themselves, should show the kind of sincerity that is in them by disregarding and trampling upon the rights of others, and by insulting the religious feelings and convictions of all who are compelled to listen to the political rant with which you and the like of you desecrate the Sabbath day? I do not say that your mouths should be shut, but I do say that nobody should be compelled to hear you. Liberty of speech is the right of all, but so also is the liberty of refusing to hear.—*Law Times* (London.)

PRIZE-FIGHTS.

It will be, perhaps, news to the members of the pugilistic fraternity who went from here to enjoy the Sullivan-Kilrain performance, to hear that, their perspiring admiration of those two heroes was an offence against the laws of the State of New York.

Whether or not prize-fighting is an offence has never been the subject of doubt, even at common law: Reg. *v.* Billingham, 2 C. & P. 234; Reg. *v.* Perkins, 4 C. & P. 537.

But in the State of New York the Penal Code not only makes prize-fighting itself illegal, but by a new section (Sec. 460) makes betting or stake-holding in regard thereto criminal.

The Penal Code does not define "ring or prize-fighting," and still leaves open a question of fact often of very great difficulty, whether a contest is a prize-fight or a sparring match.

The question was considered in Reg. *v.* Orton, 14 Cox Crim. Cases, 226, where the test was held to be that, if the contest was a mere exhibition of skill or sparring it was not illegal; but if the pugilists met intending to fight till one of them gave in from sheer exhaustion or injury, it was a breach of the peace and a prize-fight. It was also held in that case, as it has been held in American cases, that the wearing of gloves made no difference.

There being no question about the law as to the prize-fighters themselves, the question arises, what conduct on the part of the spectators would make them also guilty of an offense?

It would seem that under the Penal Code, as well as under the common law, the mere presence at a prize-fight is not in itself criminal, and there must be some proof beyond that fact to show that the person "aids, encourages or does an act to further" the fight.

The leading English case is Reg. *v.* Coney, 8 Q. B. D. 534.

In that case the prize-fight took place near Maidenhead, and the defendants were in the crowd looking on. Nothing beyond this was proved against them, and it was held by the Queen's Bench Division, by eight judges against three, that the mere voluntary presence at a fight does not, as a matter of law, necessarily render a person so present guilty of an assault, as aiding and abetting in such fight. (In this case each judge thought it necessary to write an opinion.)

The cases suggested in the opinions of Pollock, B., and Coleridge, C. J., the predicament of "a very short man" who "might be at the outer edge of the crowd, and so unable either to see or apprehend what was going on," gave rise to much discussion of an amusing character in the English law journals.

In the opinion of Lord Coleridge the small man was equal to the emergency, for he speaks of "some one in the outskirts of a crowd, curious as to the object of it, whose shortness of stature is not aided by a friendly tree."

"If it was shown that the defendants took a walk in the direction of the fight for the purpose of seeing something of it (and, a *fortiori*, if they went by train or omnibuses with a lot of other blackguards for the purpose of the 'sport'), there will be evidence for the jury of the party's participation and encouragement." Shirley, Leading Cases in Criminal Law, 9, citing Reg. *v.* Billingham, 2 C. & P. 234. That case says this rule of law "ought to make persons very careful."

The cases cited in the American edition of Shirley on this point may be also consulted: Sikes *v.* Johnson, 16 Mass. 389; State *v.* Starr, 33 Me. 554; Williams *v.* State, 9 Miss. 270; Duncan *v.* Conwall, 6 Dana, 295.

Now, as to the citizens of this State, whose idea of pleasure was to sit for two hours in a broiling July sun, in a part of Mississippi where the sand is two feet deep and hot accordingly, they were guilty of a misdemeanor under section 461 of the Penal Code. "A person who leaves the State with intent to commit an act without the State which is prohibited by this title, or who, being a resident of this State, does an act without the State which would be punishable under the provisions of this title if committed within this State, is guilty of the same offence and subject to the same punishment as if the act had been committed within this State." Section 461.

Section 458 says that a person who, within this State, engages in, instigates, aids, encourages or does an act to further any contention or fight without weapons between two or more persons, or a fight commonly called a ring or prize-fight, either within or without the State, is guilty of a misdemeanor.

And, as has been already said, one who has a wager or bet, or one who holds the stakes of such a fight, is by section 460, also guilty of a misdemeanor.—*N. Y. Law Journal.*

PRIVILEGED COMMUNICATIONS.

Are lists of discharged employés circulated by the master to others having an interest in the subject-matter of the service, privileged communications? In the case of Edward L. Randall v. C., R. I.& P. Ry. Co., recently tried in the Circuit Court of Kansas City, Missouri, Judge Gibson presiding, the question indicated in the above query was directly involved. The plaintiff sued the defendant in the sum of $25,000 for damages, claimed to have been sustained by him, and occasioned, as he alleged, by being discharged from the service of defendant, and the circulation of his name on an alleged "black-list" sent to different departments of the railroad and telegraph service. Briefly stated, the facts are these: Randall was a telegraph operator in the employ of the defendant, and while in its employ, in the early part of 1886, became active and prominent in the work of organizing what is known as the Association of Telegraphers of America. One of the rules of this association made it incumbent upon each person becoming a member, to solemnly promise and affirm that he would, under no circumstances, teach the art of telegraphy to any person not a member of the organization, without the consent of the chief officer of the association designated as the Grand Chief Telegrapher. Because of plaintiff's being an active organizer, rather than as a member of this association, and because of neglect of duty upon his part in consequence thereof, the railroad company, on the first of July, 1886, discharged him from its service, and Mr. Asa R. Swift, the superintendent of defendant's telegraphs, communicated the fact and cause of said discharge by private letter to P. W. Drew, secretary of what was, and is known, as the Association of Superintendents of Railroad Telegraphers. At the same time, Mr. Swift made a like communication to Mr. F. H. Tubbs, superintendent of the Western Union Telegraph Company at Chicago. The Association of Railroad Telegraphic Superintendents above referred to, was a voluntary association, made up of telegraphic superintendents of the different railroads having telegraphic service arrangements with the Western Union Telegraph Company. This service arrangement existed between the Western Union Telegraph Company and the different railroads referred to, including that of the defendant, and was, so far as its leading feature was concerned, to the effect that the telegraph company furnish certain wires to be operated over and along its line by each of the railroad companies with which it entered into the arrangement. The superintendent of the railroad telegraphers is selected, employed and paid jointly by the railroad and telegraph companies; the operators employed by the railroad company are to do all the commercial business of the telegraph company where there are no up-town officers, the proceeds of which are handled by these operators, and turned over to the telegraph company. From these and facts of a similar nature it was made evident that to some extent, the railroad company and the telegraph company had a corresponding interest in the character of the telegraph service.

With these explanations we now turn to the sending of the communication by Mr. Swift to the secretary of the Association of Railroad Telegraph Superintendents, and the superintendent of the telegraph company. In accordance with the rules and usages of the Association of Railroad Telegraph Superintendents, its secretary, Mr. Drew, from time to time, prepared and had printed lists showing the men who had been discharged by the different railroad telegraph superintendents, and which had been reported to him by them. In one of these lists was included the name of Randall, the plaintiff, together with the names of other men discharged for different causes. The cause of Mr. Randall's discharge, as stated in the list, was that he was "an organizer of co-operative union;" a copy of this list thus prepared and printed by Mr. Drew, as the secretary of said association, he sent to each of the members of said association, that is to say, he sent to each of the superintendents of the different railroads having service arrangements with the telegraph company, and who belonged to said association. This list was in all respects, intended to be, and was regarded as strictly confidential, and for the information and advice of the different railroad telegraph superintendents in respect to men who

should apply to their departments for employment, and was used for that purpose. Plaintiff claimed that by reason of the printing and circulation of this circular he had, in effect, been "black-listed," and unable, by reason thereof, to obtain employment in any department of the telegraph service.

Among other defenses, the defendant pleaded that the list or communication in question was privileged. The plaintiff failed in the proof to show any express malice on the part of the officials engaged in reporting and listing Randall's name, or in the circulation of the list, and at the close of plaintiff's evidence, the defendant demurred thereto on the ground that it was insufficient to sustain a verdict in plaintiff's behalf, and requested the court to so instruct the jury. The court sustained this demurrer to the evidence, basing its ruling upon the ground that the communication was privileged, for the reason that both the railroad company and the telegraph company were interested in the character of the telegraphic service; that Mr. Swift represented not only the railroad company, but the telegraph company; that the members of the association, whose secretary prepared and circulated the list in question, also represented said telegraph company as well as the different railroads, of which they were telegraph superintendents, and that the communication and circular having been sent in good faith, in the interest of such service, were privileged, and there being no evidence of express malice, there was nothing for the jury to decide.

This case has attracted considerable attention, and may be regarded as somewhat of a precedent in respect to the principal questions involved.

The ruling of the court is fully sustained by the Missouri Pacific Railway Company *v.* Richmond (Supreme Court of Texas), reported in Vol. No. 11 of the Southwestern Reporter, page 555; Bacon *v.* Michigan Central Railway Company, 31 America & England Railway Cases, 357, and Kent *v.* Bongartz, 8 Am. State Reports, 870.—*Chicago Legal News.*

ROYAL GRANTS.

The greater part of the opposition to royal grants proceeds from a misunderstanding of the nature of the relation between the Crown and its subjects in respect of the property of the Crown. If the Crown was an ordinary corporation, or an individual whose property had been settled by Act of Parliament, it would be easy to see that the terms of the settlement must be carried out according to the laws of social life, which include the maintenance of proprietary rights. The present wearer of the crown and her predecessors from the time of Charles II. have parted with their original proprietary rights for the good of their subjects on terms which they are bound to respect. The constitutional form is for the Houses of Parliament to be addressed; but the grant is not, as some appear to suppose, a favour, but the discharge of an obligation. The proprietary rights of the Crown reached their extreme in the feudal rule that all the land belonged to the king. In consideration of the Crown giving up the last vestiges of its feudal rights, Parliament undertook to provide the purse sufficient for maintaining the honour and dignity of the Crown.

In estimating the extent of the duty of Parliament under 1 & 2 Vic. c. 2, to make 'adequate provision for the support of the honour and dignity of the Crown,' it must not be forgotten that the surrender thus made by Her Majesty included, besides what the report of the committee on royal grants describes as the Crown lands and the small branches of the hereditary revenue contributing together 412,800*l.* to the consolidated fund, the hereditary duties on all beer and cider, the most popular of alcoholic beverages, as appears from recent statistics. The Crown was endowed with this source of income by the celebrated statute 12 Car. II. c. 24, 'An Act for taking away the Courts of Wards and Liveries and tenures in capite and by knights service and purveyance, and for settling a revenue on his Majesty in lieu thereof.' It was the intent of this Act, recognised by 27 Geo. III. c. 13, that his Majesty, his heirs and successors, might receive a full and ample recompense and satis-

faction for the profits of the Courts of Wards and the tenures, wardships, liveries, prime seisins, and ousterlemains, as also for all and all manner of purveyance and provisions thereby abolished. Accordingly, there was granted and made payable to his Majesty, his heirs, and successors for ever thereafter, the several hereditary rates, impositions, duties, and charges on beer and all cider, and other liquors mentioned in the Act. This endowment amounted to an imposition of fifteenpence for every barrel of beer or ale of above six shillings, the same sum on every hogshead of cider, and threepence on inferior beer. By section 2 of 1 & 2 Vict. c. 2, it is provided that 'from and after the decease of her present Majesty (whom God long preserve) all the hereditary revenues shall be paid to her Majesty's heirs and successors;' and by section 7 that 'during the continuance of this Act the said hereditary duties on ale, beer, and cider shall not be charged, collected, or paid, or be chargeable or payable, provided always that if the heir or successor of her Majesty shall signify his or her royal will and pleasure, in manner hereinafter provided, to resume the possession of the several hereditary revenues of the Crown, the duties on ale, beer, or cider shall from thenceforth revive and be again charged, collected, and paid for the use of such heir or successor and his or her heirs and successors.' There is a security for the terms of the surrender being honourably maintained in the right upon a succession to resume the original situation. Those terms are recited to be that 'Her Majesty felt confident that her faithful Commons would gladly make adequate provision for the support of the honour and dignity of the Crown.' The provision then made, and which goes by the name of the Civil List, is divided into six classes—the privy purse, 60,000*l.*; salaries of the Household, 131,260*l.*; expenses of the Household, 172,500*l.*; royal bounty, 13,200*l.*; and unappropriated monies, 8,040*l.* The honour and dignity of the Crown in 1837, was sufficiently supported by providing for the Queen and her household. Since then they have become represented by a numerous royal house, for members of which from time to time provision has been made. At the present time the pecuniary balance between the Crown and country represented by the Consolidated Fund is that 537,000*l.* is paid and 412,800*l.* received, a balance which is only a drop in a bucket represented by the value of the hereditary revenue from Excise, which should be put in the royal scale.

The grant proposed seems to be peculiarly necessary to support the honour and dignity of the Crown. It is asked for the Queen's grandchildren in the eldest line of descent of the Crown. The sum asked is moderate, but the grant has been met by unprecedented opposition, and a committee of the House of Commons appointed to consider the whole matter. Subjects wholly irrelevant, such as the receipts from the Duchies of Lancaster and Cornwall, and the disposition of the surpluses over the actual expenditure provided for by the Civil List are being discussed. The proposal adopted by the committee is a modification of the proposal of the Government at the suggestion of Mr. Gladstone. The resolution is expressly made 'in order to prevent repeated applications to Parliament,' which is a laudable object, and 'to establish the principle that the provision for children should hereafter be made out of grants adequate for that purpose which have been assigned to their parents.' In other words, grants are to be made *per stirpes* and not *per capita*, and in one sum to be settled on the grantee and his children. In the present case it is proposed to provide 36,000*l.* a year, out of which the Prince of Wales, with the sanction of Her Majesty and the assent of the First Lord of the Treasury and the Chancellor of the Exchequer, would be empowered to make such assignments, and in such manner, to his children as his Royal Highness should think fit. This, we suppose, may be done either once for all or every quarter, and it may include as many of his children as he thinks fit. A sort of *conseil de famille*, with an element representing the House of Commons thrown in, is constituted. No limit of time is provided, and the scheme, as reported by the committee, is somewhat vague, requiring development, which it may receive in the course of the week.—*Law Journal*, (London).