THE LEGAL NEWS.

Vol. IX. MONTREAL, NOVEMBER 13, 1886. No. 46.

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CONTENTS OF VOL. IX., No. 46.

PAGE

CURRENT TOPICS:

Criminal Procedure—Privileges of Prisoners; Mr. Justice Stephen on Perjury 361

OFFICIAL LAW REPORTS................ 361

NOTES OF CASES:

Stacey v. Beaudin (*Suit on Foreign Judgment — International Jurisdiction*)..................... 363

Regina v. Garon, Lepage & Dion (*Surety—Deviation from terms of bond*) 364

COURT OF QUEEN'S BENCH, MONTREAL:

Abstract of Decisions 365

THE QUEEN'S REMEMBRANCER........... 366

COMMUNICATIONS:

Statements by the Accused 367

INSOLVENT NOTICES, etc................. 368

GENERAL NOTES, etc..................... 368

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The Decisions of the United States Supreme, Circuit and District Courts (no cases from the State Courts), on the following plan:

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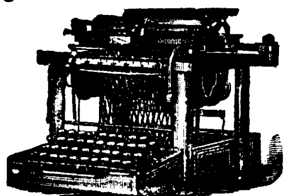

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The Legal News.

VOL. IX. NOVEMBER 13, 1886. No. 46.

"Student" makes an enquiry with reference to statements by prisoners who are represented by counsel. It must be remembered that Mr. Justice Stephen's opinion, to which he refers, is not generally concurred in by his brethren on the bench. The practice in Canada and England has, we believe, been similar, viz., that where a prisoner is represented by counsel, any statement he may desire to make to the jury should be presented through his counsel. Mr. Justice Stephen and some other judges in England have admitted a statement by the prisoner, even when represented by counsel, and possibly, under Sect. 45 of our Criminal Procedure Act, judges might consider that they have a discretion to grant the prisoner a similar privilege in this country. We do not know if the question has ever been formally presented to the Court, but some of our readers may be in a position to furnish information on the point.

The *Law Times*, referring to another effusion of the same Judge, says:—"Mr. Justice Stephen has not, we think, sufficiently considered the tendency of some of the language he has used in his recent article in the *Nineteenth Century* on Lord Bramwell's Criminal Evidence Bill, with regard to the frequency of perjury. When a judge of the High Court informs the public that "there are temptations under which almost everyone would lie," he does not make it easy for himself or his fellow-judges to inflict a proper penalty upon perjury in the rare cases in which it is not merely demonstrated beyond reasonable doubt, but actually brought home by legal proof. We think, too, that when the learned judge goes on to express his opinion that the feeling prevalent amongst "honorable men in common life," that "it would be morally impossible for them to tell a willful lie on a solemn occasion like a trial in a court of justice * * * proceeds much more than they suppose from the fear of being contradicted and found out," he casts an unnecessary slur on the veracity of his countrymen in general. That perjury, or at least untrue evidence, is a matter of "daily experience" in British courts of justice is unfortunately only too true. But it must not be forgotten that those who swear to a bad case are, in a large proportion of cases, men who have already shown themselves to be devoid of a nice sense of honor, inasmuch as their false evidence is given in the attempt to bolster up a case which they are unconscientiously maintaining, whether as plaintiffs or defendants. That amongst those who will set up an untruthful claim or defence, as the case may be, for the sake of a personal advantage, there are few who will stick at a safe perjury, is no doubt true, just as it is true that any vulgar thief will readily perjure himself, if he can so escape punishment. And it is also true that many men will maintain a lawsuit with the object of retaining or getting possession of property which does not rightfully belong to them, who would not think of committing a theft. But these men, though they may generally be looked upon as honorable, only show by their conduct that their sense of honor is superficial and conventional; and to draw conclusions from the prevalence of perjury amongst this class as to the conduct of Englishmen in general, is to build an inference upon far too narrow a basis."

OFFICIAL LAW REPORTS.

The by-law of the General Council, imposing an additional fee of $15 per annum for an official law report, merits attention. A meeting of the Montreal Bar was convened on Saturday last to consider the scheme, and this meeting almost unanimously declared against the by-law, and demanded its repeal. So strong was the feeling that a proposition for an adjournment was voted down by a large majority. The objections to the by-law seem to have been based on several grounds. In the first place, there were some at least who frankly admitted their objection to be taxed to the proposed extent. There are some of the younger members who have

plenty of time on their hands, and not much income, and these prefer to consult reports in the library of the bar, or in the office of a friend or senior partner, rather than become the proprietors of a copy under a compulsory tax. But a larger number seemed to object to the scheme, because it made them liable to an assessment without their knowing precisely what they were to receive for it. The reports, it was stated, were to be issued under the direction of a committee, which naturally would be of uncertain and varying composition, and there was no guaranty that the work would be acceptable to the profession. They were asked, in short, to buy a pig in a bag, and to bind themselves to repeat the transaction in every future year.

Prima facie, this objection has considerable force. Independent work is usually better done than official work. Those who take up a task because they have some special aptitude or liking for it, generally work better than those who assume an office merely because there is a certain number of dollars attached to it. In England, for centuries, there were none but independent reporters, and many of these early reports are of conspicuous merit.

But the great argument urged in favour of an official report, is that it would supersede all others, and avoid the duplication of the same cases in contemporaneous series in different hands. In answer to this, the objection was stated at the meeting of the bar, that there was no certainty of such a result, and that the effect might simply be to saddle the profession with an additional report of indifferent quality. This was a serious objection, to which the solitary representative of the general council present at the meeting had no answer to make. Unfortunately, judging by the experience elsewhere, the objection has considerable strength. In England, for example, there was no attempt at an official report until 1866. At that time, the contemporary reports cost about $200 per annum. The bar then established the Law Reports, which it was expected would supersede all others. But what was the result? Notwithstanding the large staff employed on the Law Reports, and the great number of volumes published, the profession have continued to sustain three other independent systems covering the same ground. These are the Law Journal Reports, the Law Times Reports, and the Weekly Reporter. Recently, a fifth series, in connection with the London *Times*, has been established, and appears to prosper.

Our own experience here, as far as it goes, is to the same effect. Two years ago, knowing that many members of the profession were in favour of more systematic and complete reports, but knowing also that the feeling of the majority would resist taxation for this purpose, the writer went to Toronto to collect all the information available, in order to see how far the Ontario system (which includes the cost of the reports in the annual fees,) could be adapted to a voluntary system here. The result of our investigation was the establishment of the MONTREAL LAW REPORTS, in connection with this journal. This system was established after consultation with, and with the unanimous concurrence of the editorial committee of the *Jurist*, who had represented it for 27 years, from its first issue. It was fully expected that the new scheme, so far as Montreal was concerned, would have embraced and consolidated the promiscuous reports then existing. In the result, however, the printer of the *Jurist* announced his intention of continuing the work on his own account, even at a loss, and the expectation of a general consolidation, without which the new system would not have been undertaken, was defeated. The natural result of duplication is not only vexatious to the profession, but renders the work of reporting extremely unprofitable. This, in turn, affects the completeness of the reports, for those engaged in the work can only afford to devote a portion of their time to it, and sufficient assistance can not be paid for. The united profits of all the legal publications in this Province, it is safe to say, do not amount to one half of the sum paid to those engaged on the Toronto system of reports. There, the scheme of an official report has certainly succeeded well, but it must be remembered that the legal business centres in one city, instead of being scattered over many districts, there is but one language, and the profession is nearly double in

number. Even at Toronto, however, there are two other legal publications containing reports, which cost $10 per annum.

To come back, then, to the objection stated, there was no certainty under the system proposed that consolidation would be successful, or that all other existing legal publications would be suppressed. It must also be remarked that the scheme requires the general concurrence of the judges. At present, one of the series of reports is published by a judge, and it followed its editor to this city, from the town in which it was originally established. There is no reason to suppose that this would be absorbed by the new scheme, or that any other judge who did not find the official report satisfactory, might not prefer to edit and publish his own decisions. Under an official system, there must be a careful selection of cases and excision of numerous one judge decisions, or the work would become as bulky and costly as the *Hansard* published at Ottawa. While, therefore, we have always strongly favoured an official system, we have given sufficient reflection to the subject, during the last twenty-five years, to appreciate the practical difficulties that lie in the way. How to overcome these may be considered later.

SUPERIOR COURT.

AYLMER (Dist. of Ottawa,) Oct. 25, 1886.

Before WURTELE, J.

STACEY v. BEAUDIN.

Suit on Foreign Judgment—International Jurisdiction.

1. *A foreign judgment, to have extraterritorial force and effect, must be for a definite sum, it must be final, and must have been pronounced by a court having competency according to the rules of private international law.*
2. *According to the rules of private international law, international jurisdiction is founded either upon the defendant's domicile or presence in the territory of the foreign tribunal, or on his possession of property within such territory. Therefore where the exemplification of judgment filed did not on its face show the international competency of the foreign court, and there was no evidence to establish the existence of any of the cases which would have conferred such international competency, the action was dismissed.*

PER CURIAM.—The action in this case is brought to enforce a judgment rendered at Brockville, in the Province of Ontario, by the Queen's Bench Division of the High Court of Justice, to enforce what is technically known as a foreign judgment.

The plaintiff, a trader at Brockville, sold goods to the defendant, who is an inhabitant of the Province of Quebec, and has no property in the Province of Ontario, and sued him for the price in the latter province. The suit was served in the Province of Quebec, and the defendant did not appear, and the judgment now sued upon was rendered on default.

A foreign judgment, to have extraterritorial effect must, in the first place, be for a definite sum, then it must be a final judgment, and lastly, it must have been pronounced by a competent Court. But the competency of the court must be established and determined by the rules of private international law.

According to the principles of private international law, a foreign court has an international competency which entitles its decrees or judgments to recognition in the courts of other countries:—

I. When the defendant is domiciled within the jurisdiction of the court.

II. When the cause of action arose within the jurisdiction of the court, and the defendant is personally served with the action within such jurisdiction.

III. When the defendant is possessed of property, not merely illusory, within the jurisdiction of the court.

See 4 Burge, Colonial and Foreign Laws, p. 1015. Westlake, Private International Law, Nos. 109 and 381. Wharton, Conflict of Laws, Nos. 716, 792, 793 and 812.

In the present instance, none of these cases existed, and therefore competency, according to the rules of international law, is wanting.

I dismiss the action with costs. The defendant may be indebted to the plaintiff,

but the latter has his recourse by an action in our courts, and as his suit in Ontario was without any useful end, and is in fact an abuse, he is mulct in costs. This practice of suing uselessly in Ontario, and throwing double costs on the defendant, is only too common and should be stopped.

The judgment is as follows:

"The Court, &c.

"Seeing that the suit in this cause has been brought to enforce a judgment obtained by the plaintiff in the Province of Ontario, against the defendant, an inhabitant of this province, and rendered at Brockville, by the Queen's Bench Division of the High Court of Justice for the Province of Ontario, on the 10th July, 1883;

"Considering that to have an extraterritorial force and effect, it is requisite that a foreign judgment be for a definite sum, that it be final, and that it have been pronounced by a court having competency according to the rules of private international law;

"Considering that according to the principles of private international law, international jurisdiction is founded either on the defendant's domicile or presence in the territory of the foreign tribunal, or on his possession of property within such territory;

"Seeing that the defendant has specially denied that he ever had a domicile in the Province of Ontario, or that personal service was ever made upon him within such Province, or that he ever possessed property therein;

"Considering that it lay upon the plaintiff to establish the international competency of the court which pronounced the judgment sued upon;

"Seeing that the exemplification of judgment filed does not on its face show the international competency of the foreign court, and that there is no evidence to establish the existence of any of the cases which would have conferred such international competency;

"Considering, therefore, that the foreign judgment sued upon in this cause cannot be recognized and enforced by this court;

"Doth dismiss the action with costs."

W. R. Kenney, attorney for plaintiff.

Henry Aylen, attorney for defendant.

COURT OF REVIEW.

QUEBEC, April 30, 1886.

STUART, Ch. J., CASAULT, J., and ANDREWS, J.

THE QUEEN v. GARON, LEPAGE and DION.

Surety—Deviation from Terms of Bond.

In this case, the defendant, Garon, being a Dominion land surveyor, was engaged, by the Government of Canada, to execute a survey of a township in the North-West Territories.

In a bond, given by Garon and by his two sureties, the other two defendants, it was stipulated, in accordance with a printed set of conditions issued by that government, that "no advance of any sort" should be made to Garon, on account of his contract for that survey. Nevertheless, and without the apparent consent of the two sureties, the Canadian Government did make to Garon, on account of the intended survey, advances to the extent of $1500.

In this suit, the two sureties, as a means of defence, alleged the fact of such advances having been so made to the other defendant, without their consent, and in violation of the essential condition of their suretyship.

There were three distinct appearances and defences set up in the court below.

In the court below, the three defendants were condemned jointly and severally to pay the above sum of $1500.

The three defendants joined in one inscription in review.

In the Court of Review, reversing, in one respect, the judgment of the court below, it was

HELD:—1st. *That, since the defendants had been united in one demand in the court below, they had a right to unite in one inscription in review;*

2nd. *That, inasmuch as without the consent of the two defendants, the sureties, the Crown had, in violation of its contract with those sureties, changed the nature of its contract with Garon, the sureties had been released from liability under the bond; and that the action of the Crown, as against them, must be dismissed.*

The following is the text of the judgment:

"La Cour, siégeant en révision, ayant exa-

miné la procédure et la preuve de record et entendu les parties par leurs avocats sur le mérite du jugement rendu en la présente cause le 21 novembre 1885, de même que sur la motion, faite de la part du demandeur, pour faire mettre de côté l'inscription en révision faite par les défendeurs, et sur le tout mûrement délibéré;—

"Rejette la motion faite de la part du demandeur, pour faire mettre de côté l'inscription en révision faite par les défendeurs, *sans frais;*

"Considérant que le défendeur, Garon, a reçu, pour l'exécution d'un contrat d'arpentage, les avances, pour le recouvrement desquelles il est poursuivi en cette cause, et qu'il n'a fait aucune partie du dit arpentage;

"Considérant que le dit contrat, qu'ont cautionné les deux autres défendeurs, Lepage et Dion, portait que le prix des arpentages ne serait payé à Garon qu'après que les ouvrages seraient terminés, et que les avances faites à Garon l'ont été contrairement à ces conditions, et sans le concours ni le consentement des dites cautions, qui, quoiqu'elles fussent responsables de toutes les obligations accessoires que le dit contrat imposait à Garon, ne peuvent pas l'être du remboursement des dites avances;

"Confirme, quant au défendeur, Garon, et *infirme*, quant aux autres défendeurs, Lepage et Dion, le jugement prononcé le 21 novembre 1885, par la Cour Supérieure, siégeant dans et pour le district de Rimouski, *excepté* en autant qu'il renvoie leurs exceptions et leur défense en droit et renvoie l'action quant à eux, *mais sans frais, vu que* le tribunal n'y peut pas condamner la couronne, (*) et ordonne, pour ce qui est des dépens en révision, qu'ils soient supportés par les parties qui les ont faits, sauf le recours des défendeurs, Lepage et Dion, contre Garon pour leur part de ceux qui sont mis à la charge de Garon."

Jules E. Larue, Q.C., for the Crown.

Asselin & Bernier for the defendants.

(J. O'F.)

(*) NOTE OF THE REPORTER.—In the late province of Canada and in this province, the settled jurisprudence as to the payment of costs by the crown, has been and is that the crown is obliged to pay such costs, and has, in the past, paid such costs, whenever the Court, in its judgment, declares that "*the proceeding of the crown is such a one as would have been dismissed with costs, had it been brought by a private party.*" Such is the declaration to be found in the judgment in appeal, at Quebec, in the case, reported in 9 Legal News, p. 355, of *Hill et al.*, appellants, and *Atty.-General*, respondent.

COURT OF QUEEN'S BENCH—MONTREAL.*

Tutor and minor—Sale equivalent to rendering of account—Prescription—C. C. 2258.

HELD:—That a sale by a minor, emancipated by marriage, to her father and ex-tutor (without any account being rendered, but after the making of an inventory of the community existing between her father and mother), of her share in her mother's succession,—said sale containing a valuation of what was coming to her from her tutor—should be considered as equivalent to an account accepted and discharge granted, and therefore, under C. C. 2258 which is applicable to such cases, the action of the pupil to annul the sale is prescribed by ten years from majority.—*Grégoire et al. & Grégoire et vir*, Jan. 25, 1886.

Arbitration—Mediators—Irregularities—Acquiescence.

HELD:—Where the parties agreed to submit their differences to arbitrators and mediators, and notwithstanding serious irregularities on the part of the mediators, proceeded with the arbitration, that it was too late to complain of the irregularities after the award was rendered.—*Rolland & Cassidy*, March 27, 1886.

Railway—Passenger jumping from Train in motion—Accident—Responsibility.

HELD:—That even where a railway company is in fault, for not stopping its train at a station to which it has contracted to carry a passenger, nevertheless an action of damages will not be maintained against the company for injuries received by a passenger in jumping from a train in motion, such damages being the result solely of the passenger's

* To appear in Montreal Law Reports, 2 Q. B.

imprudence.— *Central Vermont Railroad & Lareau*, May 27, 1886.

Will—Construction—Substitution or Usufruct.

A testator having bequeathed his estate as follows :— " I leave all my personal and real " estate for the benefit of my wife and family " during her life if she remains unmarried to " receive and apply such funds as may be " accruing out of it for the support and main- " tenance of the family and educating them " if she again marry her dower is all that " she will have out of the estate the rest to " be equally divided among the children my " sons R. and W. I wish them to enter the " ministry. . . . and I earnestly desire that " every facility be given them to get thor- " oughly educated. . . . "

Held :—That this created a substitution of which the widow was institute and the children substitutes, and was not a case of usufruct to the widow and *nue propriété* to the children.

2. That though both widow and children had for years acted on the latter interpretation they were not thereby deprived of the right to urge the other interpretation now.— *Macdonnell et al. & Ross*, April 28, 1882.

Master and Servant—Accident to Employee—Responsibility of Employer.

The defendants were constructing a building in the city of Montreal, and at their solicitation, men (of whom the plaintiff was one) were sent by the City Corporation to introduce water from the street by a pipe connecting with the building. This could not be done without working inside as well as outside. A man passing along the wall, above where the plaintiff was working at the pipe hole, loosened and started a brick in the wall, and the brick, falling down, injured the plaintiff. A hammer had fallen previously and warning had been given to the men above.

Held :—That the burden of proof was on the defendants to rebut the presumption of negligence, and this not having been done, the defendants were liable.—*Evans et al. & Monette*, Jan. 27, 1886.

THE QUEEN'S REMEMBRANCER.

The office of Queen's Remembrancer—to which Mr. George Frederick Pollock, the Senior Master of the Queen's Bench Division, has just been appointed—is one of the quaintest survivals of the pomp and circumstance which surrounded the law in mediæval times. Much of this has been swept away, and many of these ceremonial offices have long since been abolished; but the Queen's Remembrancer still discharges some of his ancient functions, although the duties of the post cannot nowadays be regarded as very onerous. As every one knows, he officiates every year at the Trial of the Pyx. Every year, too, he presides over the ceremony of doing service for 'the piece of waste ground called the Moors in the county of Salop, and for 'the tenement called " the Forge" in the parish of St. Clement Danes. It is then his duty, after the aldermen have duly cut certain faggots and counted certain horseshoes and hobnails, to see that there "is good number," that is, six shoes and sixty-one nails. Upon divers and sundry state ceremonials, too, the Queen's Remembrancer, attired in his imposing robes of office, with his wonderful headgear, the fashion of which dates, we can well believe, from the time of Henry III., has a brave appearance, and excites the wonderment of the simple. But with these and some few other exceptions, the duties of this famous functionary are not discharged within the public ken.

The office dates from the time of Henry III.; at least no record exists of a Remembrancer having been appointed before that date. It is, however, probable that its duties were discharged in earlier times by some one or more of the officers of the King's Court. After the separation of the Exchequer from the King's Court, two "rememoratores de scaccario" were appointed, and they long shared the duties of the office. This name, it may be mentioned, was derived from the "chequered cloth" on which, when the king's accounts were made up, the sums were marked and scored in counters, a fact which graphically illustrates the fiscal side of their functions. Both were at first king's clerks; but one soon became distinguished as king's remembrancer, and the

other as treasurer's remembrancer. One of their principal tasks seems to have been the making up into bundles the records, or, as they were more commonly called, the memoranda, or remembrances, of the Exchequer. A remembrance was wont to be made every year in each of their offices. The work was divided between the two functionaries, the treasurer's remembrancer making up his bundle under the heads of "Communia," which were the common or ordinary business; "Compota," or accounts; "Visus," views; "Adventus," the advents of accountants to the Exchequer, and so on. In the same way, too, the "Memoranda" of the king's remembrancer had like heads and titles. Among the "Memoranda" of the Exchequer in those days were the king's writs, and precepts of many kinds relating to revenue and tenures; commissions of bailiwicks, custodies, presentations and admissions of officers of the Exchequer and others; pleadings and allegations of parties; judgments and awards of the justicier, the treasurer and barons, and of the King's Council; recognitions of debts and conventions of divers kinds; accounts and views of account; inquisitions and advents of sheriffs, escheators, and so on through all the routine business which then belonged to the Exchequer.

Then many "Memorandums," as Madox quaintly, if loosely, puts it, were entered in these rolls *pro commodo regis* by way of "Memorandum pro Rege" or "Loquendum cum Rege." Thus a "Loquendum" was entered for King Henry III., "touching certain money impressed to the Archbishop of York." Others concerned such matters as debts due to the king in Richmondshire; the town of Bedford not being tallaged; while even such a fact as that Peter de Chaceporк, the keeper of the wardrobe, had not charged himself with cloths and furs is made a note of, but it is explained, for Peter had already exceeded his allowance. Then an entry is made of a "Loquendum" anent the claim of a certain bishop to "have the chattels of his men who were fugitives or hanged," a quaint instance of episcopal ways and means. The case of the knights of Wiltshire owing ward to the Castle of Devizes; the dispute as to the right of distress for the king's debts within the bishopric of Carlisle, and the claim of the executors of William de Vaux concerning the issues of the honor of Knaresborough, furnish other instances of the curious details recorded in the "Remembrances."

The Chancery was, as every one knows, originally holden in the Exchequer. At the time of the separation, the writs and charters came to be entered by themselves in the "Rotuli Cancellariæ," and then arose the custom of sending estreats of these into the Exchequer. These were called "Originalia" and "Extracta Cancellariæ." They were copied out of the Fine Rolls, Patent Rolls, and other rolls of the Chancery, and out of them fines, &c., were taken and put in charge for the king's profit. So, although the Remembrancers had duties on both the fiscal and the Chancery sides of the Exchequer, the former greatly predominated. In fact, the King's Remembrancer kept the royal accounts. One record shows that on occasion they were sent into the country to collect the King's debts. A detailed examination of these little known "memoranda" could hardly fail to throw light upon constitutional history in the times of the Plantagenets, and much of this ground has yet to be explored. But we have shown that the office is a link between the old world and the new, and that its functions still possess a curious interest, whether or no those of them that still survive can be regarded as having much practical value.—*Law Journal*, (London.)

STATEMENTS BY THE ACCUSED.

To the Editor of The Legal News:

SIR,—I would feel extremely obliged if you could give me some information in your valuable LEGAL NEWS on the following matter:

I see that in vol. 9th Leg. News, p. 62, *et seq.*, you publish Mr. Justice Stephen's opinion in favour of the right of the accused to make a *statement* of his case, even when he is defended by counsel. Is there any doubt under *our* laws on this point? I see by 32 & 33 Vic. ch. 29, sec. 45, that "All persons tried

for an indictable offence shall be admitted, after the close of the case for the prosecution, to make full *answer* AND *defence* thereto by counsel learned in the law." The French version is ambiguous; it says: "AVEC l'aide d'un conseil versé dans la loi." The two versions certainly differ; in such a case how are we to decide? Is the practice here in favour of allowing such statements or against it? STUDENT.

INSOLVENT NOTICES, ETC.

Quebec Official Gazette, Nov. 6.

Curators Appointed.

Re Perpetus Boileau.—Alex. Pridham, Grenville, curator, Oct. 18.

Re Moïse Champagne, Lanoraie.—Kent & Turcotte, Montreal, curator, Oct. 30.

Re Chapdeleine & Duhamel, St. Ours.—Kent & Turcotte, Montreal, curator, Oct. 30.

Re A. E. Désilets, Three Rivers.—Kent & Turcotte, Montreal, curator, Oct. 29.

Re F. Gelinas.—A. A. Taillon, Sorel, curator, Nov. 3.

Dividend.

Re P. J. Robert, Montreal.—First dividend, payable Nov. 25, Kent & Turcotte, Montreal, curator.

Separation as to property.

Nathalie Clément vs. François Xavier Latour, Montreal, Nov. 3.

Marie Delphine Lesieur Desaulniers vs. Prosper Milot, St. Anne d'Yamachiche, Nov. 3.

Rosa Donnelly, vs. John Williams, saloon keeper, Montreal, Oct. 1.

Marie Anne Dussault vs. Charles Gingras, contractor, Montreal, Oct. 18.

Elodie Labelle vs. Jean B. Thouin, farrier, Montreal, Oct. 20.

Olive Landry vs. Jean Emmanuel Viger, Montreal, Oct. 18.

Dora Theresa Pattle vs. James A. Wright, electrician, Montreal, Nov. 2.

Members elected.

L. G. Desjardins, Montmorency; John McIntosh, Compton; Alex. Cameron, Huntingdon; L. B. A. Charlebois, Laprairie; A. Rocheleau, Chambly; N. H. E. Faucher de Saint-Maurice, Bellechasse; L. Forest, L'Assomption; Jas. McShane, Montreal Centre; R. F. Rinfret dit Malouin, Quebec Centre.

Thanksgiving, Nov. 18, proclaimed.

GENERAL NOTES.

MOTHERS-IN-LAW.—Mothers-in-law are no doubt a nuisance, and some abuse of them is to be naturally expected from all right-minded sons-in-law. One Seymour has, however, now learnt that, although it may be quite safe to call his mother-in-law "a vicious, nasty old cat" to her face, it is not advisable to tell her so on a post-card. Many other dreadful things did the defendant write about his mother-in-law. Evidently his feelings to her could not have been friendly. Hearing that she had kissed his child in the street, he had the youngster stripped, ducked in water, and cleansed from the pollution of her kiss. The luxury of abusing a mother-in-law in this way cost, however, £100, and probably the defendant will now expend less on post-cards.—*Gibson's Law Notes, Eng.*

THE BELL OF JUSTICE.—It is a beautiful story that in one of the old cities of Italy the king caused a bell to be hung in a tower in one of the public squares, and called it "The bell of justice," and commanded that any one who had been wronged should go and ring the bell, and so call the magistrate of the city, and ask and receive justice. And when in the course of time the lower end of the bell rope rotted away, a wild vine was tied to it to lengthen it; and one day an old and starving horse that had been abandoned by its owner and turned out to die, wandered into the tower, and in trying to eat the vine, rang the bell. And the magistrate of the city, coming to see who rang the bell, found this old and starving horse; and he caused the owner of that horse, in whose service he had toiled and been worn out, to be summoned before him, and decreed that as his poor horse had rung the bell of justice, he should have justice, and that during the horse's life his owner should provide for him proper food and drink and stable.

AN AGNOSTIC IN THE BOX.—In the Circuit Court, Monday, Judge Logan presiding, an incident occurred of more than usual interest. A case involving a small amount (an appeal from a justice), in which Mr. Harvey, a well-known operator in marble in this county, was a defendant, was on trial. When Mr. Harvey was called to the witness stand, Mr. Green, of counsel for the plaintiff, asked to put him on his voir dire, when the following substantially occurred: Counsel—Mr. Harvey, do you believe in the existence of a God? Witness—(Evidently surprised and thinking a moment)—I do not believe in God, but I do believe in God, the power that controls the universe. Counsel—Do you believe in a future state of rewards and punishments? Witness—I believe that every human being suffers in this life for every violation of natural and moral laws. Not accepting the Bible as a divine revelation, I know nothing about the future. I do not know whence I came or whither I am going. Therefore I cannot say that I have any belief as to my future state. Counsel—Do you believe in a conscience? Witness—Most certainly I do. I believe that every sane man has an innate sense of right and wrong to guide his conduct. The Court—Mr. Harvey, do you believe in the binding obligation of an oath in a court of justice, requiring a witness to tell the truth? Witness—I do. The court, after some deliberation, held that the witness was not competent to testify, and he was directed to stand aside. Exception was taken by Capt. Kain, counsel for defendant, and an appeal taken to the Supreme Court. We understand there are several old decisions regarding the competency of "atheists," "infidels," and "free thinkers" as witnesses, but that we have no Supreme Court decision covering precisely the state of facts presented in this case.—*Knoxville (Tenn.) Journal.*

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