The Legal News.

Vol. XIV. SEPTEMBER 5, 1891. No. 36.

In a pamphlet recently published by Dr. Tuke, the author, who is admitted to be one of the foremost experts on the subject, gives an important definition of moral insanity. "Moral insanity," he says, "is a form of mental disorder, in which there is a loss of control over the lower propensities, or in which the moral sentiments *rather than* the intellectual powers are confused, weakened, or perverted.... From time to time cases occur in regard to which.... *the prominent characteristic and by far the most striking and important* factor of the mental condition is, not loss of memory, not delusion or hallucination, not any deficiency of talent or genius, not any lack of mental acuteness, and certainly no incoherence of ideas or language—none of these—but a deficiency or impairment of moral feeling or self-control, such being either the development of a character natural to the individual or a departure from it, which contrasts most strikingly with its former traits."

In a case of *Hargreaves* v. *Manders*, which came before the Westminster County Court on the 29th July, Judge Bayley drew the line at some of the supposed wants of youths of the time. The plaintiff sued the defendant for a quantity of cigarettes and cigars supplied to him. The defence of infancy was set up, and the defendant's father appeared and produced the certificate of his son's birth, showing that he was well inside of twenty when the goods were supplied.—Mr. Edlin, plaintiff's counsel, asked if it was not a fact that the defendant had a private income of his own.—The father of the defendant refused to answer the question, and His Honor held that he need not do so.—Mr. Edlin: I submit that it is a material question.—His Honor: If he was an infant you cannot do anything.—Mr. Edlin: I submit they were necessaries.—His Honor: What, tobacco necessary for an infant?—Mr. Edlin: Yes, there is nothing extravagant in the order; it is for cigarettes and 100 cigars. The only case in the books against me is thirty years old, and I submit that in these go-ahead days what were not necessaries thirty years ago may be now for a young man in society.—His Honor: If you have any evidence to show that tobacco has ever been held to be necessary for an infant I shall be glad to hear it.—Mr. Edlin: I submit it is, if it is required medicinally, your honor.—His Honor: It is not suggested that these cigarettes and cigars were supplied medicinally. It is clear that the defendant was an infant when the goods were supplied. I cannot hold that tobacco is necessary for an infant, and there must, therefore, be a verdict for the defendant, with costs.

Notice is given in the *Official Gazette* that the new tariff of advocates was approved by His Honor the Lieutenant Governor in Council, on the 27th June, 1891, and has been in force since the 1st of September, 1891.

ENGLISH COURT OF APPEAL.

LONDON, Feb. 6, 1891.

MEDAWAR v. GRAND HOTEL COMPANY.*

Innkeeper—Liability to guests—Onus of proof.

The plaintiff, after having travelled all night, went to the defendants' hotel at an early hour in the morning, and asked for a bed room. He was told that he could not have a room, as the hotel was full, but that there was a room, engaged by people who would arrive during the day, which he might then utilize for the purpose of washing and dressing. He was shown up to this room, and his luggage (consisting of portmanteau, hat box and dressing bag) were taken up there. He washed and dressed in this room, opening his dressing bag for that purpose, and taking out of it and placing on the dressing table a dressing case. He then went down to the coffee room, had breakfast, paid for it, and went out, leaving his luggage in the room he had used, with the dressing bag open and the dressing case on the table. He did not return till late at night. In the mean-

*56 L. T. Rep. 851.

time the persons who had engaged the room arrived, and the whole of the plaintiff's luggage was placed, just as it was, in the corridor by the defendants' servants. When the plaintiff returned at night he asked for his room, and was told he had none. Ultimately it was found that a room had been vacated since the morning, and the plaintiff's luggage was brought from the corridor and placed in it, the plaintiff's name being then entered for the first time in the guest book of the hotel. The next morning the plaintiff discovered that jewellery had been stolen from an unlocked drawer in his dressing case.

In an action against the defendants for the value of the jewellery: Held, *that assuming the relation of innkeeper and guest to have continued between the plaintiff and the defendants until the arrival of the other guests, the onus was upon the defendants to show that the loss occurred before the removal of the luggage to the corridor, and consequently through the plaintiff's negligence alone, which they had failed to do; but that, as to any loss exceeding £30, the onus was upon the plaintiff, under 26 & 27 Vict. ch. 41, to show that it arose through the willful act, default or neglect, of the innkeeper or his servant, and that as the plaintiff had not shown that the loss occurred after the removal of the luggage to the corridor, he had not fulfilled that onus, and was not entitled to recover more than £30.* Held, *also that the true inference to be drawn from the facts was, that the relation of innkeeper and guest continued between the plaintiff and the defendants from the time of the plaintiff's arrival at the hotel till the arrival of the guests who had engaged the room where his luggage was.*

This was an appeal from the judgment of Smith, J., after the trial of the action before him without a jury at Liverpool.

The facts are fully stated in the head-note, and in the following written judgment of

SMITH, J. The plaintiff sued the defendants, who are innkeepers, for damages for loss of four trinkets, namely: a ring, valued at £35; diamond studs, valued at £15; a pearl breast pin, valued at £50; and a diamond ring, valued at £60—£140 in all—which I find were stolen while in the defendants' hotel. There was a conflict of evidence as to the terms upon which the plaintiff was, with his luggage, received into the defendants' hotel, as well as to other matters, and the following are what I find to be the true facts of the case: On the night and morning of the 27th and 28th of March, 1890, the plaintiff travelled to Liverpool to attend the grand national steeplechase, which was run on the latter day. He arrived by train timed to reach Liverpool at 6 A. M. on the morning of the 28th. Early on that morning he went to the defendants' hotel, having with him three articles of luggage, namely: a portmanteau, a hat box, and what is termed a dressing case bag. Upon arrival at the hotel he asked for a bed room. He was told by the manageress that the hotel was full, that he could not have a bed room, but that there was one room on the fourth floor then vacant—namely, No. 97—which was engaged by and retained for a lady and gentleman who were expected to arrive during that day, but that the plaintiff could then utilize it for the purpose of washing and dressing. The plaintiff was thereupon shown up to No. 97, and his luggage was also taken up into it by the hotel porter. There was posted up in the hall of the hotel a notice pursuant to 26 and 27 Victoria, chapter 41, and at the foot thereof in leaded type was printed: "For the safe custody of money and valuables visitors are requested to apply at the office. By order." There was also hung up over the washing stand in No. 97 a printed table of charges and regulations, amongst which was as follows: "The proprietors will not be responsible for property lost in the hotel unless the same be deposited at the office and a receipt taken (*vide* 26 & 27 Vict. chap. 41, § 1), and as a matter of precaution request that visitors will bolt and lock their room doors at night." There was also pasted upon the inside of the door of No. 97, just above the door handle, the following notice: "Visitors are respectfully requested to lock and bolt their room doors at night." There was a key in the lock of this door, with a label attached with the number of the room thereon, so that the door could be locked and the key taken had it been desired to

do so. After arriving in No. 97, the plaintiff opened his dressing case bag and took thereout a stand and placed it on the dressing table. This stand contained a large number of silver-mounted bottles, a flask with brandy in it, and also ivory brushes, combs, boot and button hooks, knives, scissors and other implements supposed by some to be requisite for the proper performing of a toilet. In a drawer in this stand were the trinkets for the loss of which the action is brought. The plaintiff washed and dressed, and then went down stairs into the coffee room, and had breakfast, having left No. 97 unlocked, with the stand of his dressing bag exposed upon the dressing table as above described. He gave no information to any one of what he had done. Having paid for his breakfast, which I take also included the accommodation he had had, he went out, and did not return to the hotel till late at night on the same day. In the meantime—namely, about 9 P. M.—the lady and gentleman for whom No. 97 had been reserved, arrived and were shown up thereto by the page boy of the hotel. Upon going into the room the page boy found the plaintiff's luggage situated as above mentioned, and whistled down the tube to the head porter for directions. No evidence was given to show that the head porter or any one else in the hall was aware of the way in which the plaintiff had left his dressing bag and its stand, or of its contents. The page boy, pursuant to the order of the head porter, removed the luggage into the corridor, and there left the stand as it was, the dressing bag, and the other luggage. At about half-past twelve at night, the plaintiff, having shortly before returned to the hotel, asked for his room, but was told that he had none. It was ascertained however that a room upon the first floor had been vacated by a gentleman leaving by the night train, and this was given to the plaintiff. The plaintiff then entered his name in the guest book, pursuant to the practice of the hotel when guests are received, and his luggage was brought down to the first floor from the corridor on the fourth. The next morning the plaintiff discovered that his trinkets had been stolen from the drawer of his dressing bag stand, and the brandy in the flask was also partly abstracted. This action was thereupon brought. The first question is, whether the plaintiff was a guest in the defendants' hotel when the trinkets were stolen, or whether the liability of the defendants to him was that of bailees either gratuitous or for reward; or what (if any) other relationship then existed between them. In my judgment, whatever the plaintiff's position may have been during the short period of time he was dressing and having breakfast, he was not a guest after he left in the morning to go to the races, and after which, as I infer, the trinkets were stolen. At any rate, there is no proof that they were stolen before he went to the races. He had been expressly told that he could have no room; he was simply permitted to dress and breakfast; he signed no admission book, which it was the practice for guests to do; he paid cash for what he had before leaving in the morning, upon the footing that he was not staying at the hotel, and this payment was entered in what was called the chance book. In my judgment he was not a guest when his goods were stolen. This point is material, inasmuch as an innkeeper is *prima facie* liable for his guests' goods, and the proof of loss of such goods whilst at an inn is *prima facie* evidence of negligence on the part of the innkeeper or his servants. This presumption which the law draws adversely to the innkeeper is capable of rebuttal, as in the case of other presumptions, and one class of case in which it has been authoritatively held that the presumption is rebuttable is where it is established that the loss would not have happened if the guest had used the ordinary care that a prudent man may be reasonably expected to take under the circumstances, or in other words, has been guilty of negligence which brought about the loss. This I understand to be settled law, affirmed and reaffirmed by the following cases: *Burgess* v. *Clements*, 4 M. & S. 306; *Cashill* v. *Wright*, 6 E. & B. 891, in 1856; *Morgan* v. *Ravey*, 6 Hurl. & N. 265, in 1861; *Oppenheim* v. *White Lion Hotel Co.*, 25 L. T. Rep. (N. S.) 93; L. R. 6 C. P. 515, in 1871; *Jones* v. *Jackson*, 29 L. T. Rep. (N. S.) 399, in 1871; and *Herbert* v. *Markwell*, 45 id. 649, in 1881. This presumption of liability does not exist in the case of

a bailee either gratuitous or for reward, and in each of such cases, in order to succeed, the plaintiff must prove affirmatively as a fact that the loss has been occasioned by reason of the bailee's neglect, and not merely that the goods have in fact been lost whilst in his custody. The question of the amount of negligence required to be established in the respective cases of bailees is immaterial here, for reasons hereafter appearing. Holding, as I do, that the plaintiff was not a guest when his trinkets were stolen, I next have to ascertain in what relationship the defendants stood to him when the theft took place. The plaintiff came with his luggage, and was allowed to dress and breakfast at the hotel, for which accommodation he paid, and then left the hotel, not having engaged a room. The defendants knew that he came with luggage, and it was by their servants taken up to No. 97 and unstrapped. No evidence was given that they thought it had been removed by the plaintiff, and indeed I apprehend that they thought nothing about it, and that the truth is that they forgot about it altogether; and the plaintiff on his part thought if he left it at the hotel it would be taken in by the defendants until his return from the races. Do these circumstances create a bailment? I am willing to decide this case upon the assumption that the defendants were bailees for reward of the plaintiff's goods when they were stolen, as I was invited to do by plaintiff's counsel, but I am by no means certain that the assumption is correct. It seems to me extremely doubtful whether there was, under the circumstances, any bailment at all—that is, a delivery of the luggage to the defendants upon a condition; but, as it makes no difference in the result of my judgment, I will take it for this purpose most adversely to the defendants and in favor of the plaintiff, and assume that the defendants were bailees of the luggage for reward. In my judgment, as an innkeeper can get rid of the presumption of his liability by proof that the goods were lost by reason of the neglect of the guest, so does a bailee for reward avoid liability upon like facts being proved. In the case of a bailee for reward the bailor has to prove, to render the bailee liable, actual negligence in the bailee which caused the loss, and if it be proved that the loss was occasioned by his own neglect, he has no case against the bailee. The bailee for reward is liable because the loss has been occasioned by reason of his neglect, not because it has been brought about by the neglect of the bailor. By whose fault then were these trinkets lost? The plaintiff left No. 97 open for any one to walk into at the time of a great race meeting, with his stand and valuables thereon ready for any one to ransack. He takes no precautions as to securing their safety, although fully apprised by notices, if he chooses to read them, of the existence of danger. He leaves the hotel for a whole day without giving a word of warning to the hotelkeeper of the value or nature of the articles at risk, or of the unsecure condition in which he has left them. What is the result? In my judgment the case established proves that the plaintiff's own neglect was that which occasioned the loss, if the fact be that they were stolen whilst in No. 97. But it was urged by the learned counsel for the plaintiff that it was the defendants' direct neglect that led to the loss, because they, at 9 P.M. on the 28th, placed the dressing case stand and other luggage as it was out into the corridor of the hotel, and it was by the defendants' active negligence, as it was called, and not the plaintiff's, that the loss was occasioned. If the plaintiff had given evidence from which I could infer that the trinkets were stolen after the luggage had been removed by the defendants' servants into the corridor, I should have acceded to this argument; but where is the evidence of this? The plaintiff has wholly failed to give any such proof. Why am I to hold that the trinkets were stolen after the luggage was placed in the corridor, rather than that they were stolen during the whole day of the 28th, while they were left by the plaintiff unprotected in No. 97? I cannot do so. The most that can be said is, that the proof given is equally consistent with the theft having taken place in the corridor after 9 P. M. as it is with its having taken place during the day in No. 97, though the abstraction of part of the brandy would lead somewhat to the conclusion that the thief had taken time

for deliberation and was not hampered by passers-by. There is no proof or presumption either way as to where the theft took place. How then has the plaintiff established that onus which is on him that it was the defendants' fault, and not his, which occasioned the loss? The proof given equally coincides with theft in either place. In the one place—that is, in No. 97—the plaintiff, for reasons above stated, cannot recover, for it was caused by his own fault; in the other—that is, in the corridor—he can, for that was occasioned by the defendants' fault. But in which was it? It was for the plaintiff to prove that the loss occurred at a time when the defendants were liable. He has failed to do so, and consequently I give judgment for the defendants.

From this judgment the plaintiff appealed.

[Concluded in next issue].

ENGLISH *CAUSES CÉLÈBRES.*

LYON *v.* HOME (1868, L.R. 6 Eq. 655).

This was perhaps the most amusing case of spiritualism and undue influence that has ever occupied the attention of the English Courts.

The plaintiff, Mrs. Jane Lyon, a wealthy and childless widow of more than seventy years of age, had no relations of her own, was not on intimate terms with those of her husband and lived by herself in lodgings in the West End of London, at a rent of about 30*s.* or 40*s.* a week. Her husband had died in 1859, and she was under the impression from something that he had said before his death, that she should not survive him more than seven years. In July, 1866, Mrs. Lyon called on a Mrs. Sims, a photographer in Westbourne Grove, and in the course of conversation mentioned what her husband had said, and expressed her conviction that she would soon meet him in the grave. Mrs. Sims replied that if the plaintiff would become a spiritualist her husband would 'come to her,' and it would not be necessary for her to go to him,' and she lent the plaintiff some books upon the subject. One of these was entitled 'Incidents of My Life.' It was written by the defendant, Daniel Dunglass Home, whom Mrs. Sims described as 'The Head Spiritualist,' and who had recently opened an Athenæum in Sloane Street. Mrs. Lyon called at the Athenæum, and, according to her evidence, which materially differed, however, from that of the defendant, she was forthwith introduced through the agency of 'The Head Spiritualist' into the society of her deceased husband. The *modus operandi* was thus described by the plaintiff: 'They sat down at the table in the sitting-room, and raps came to the table almost immediately. The defendant said: "That is a call for the alphabet;" and then repeated the letters of the alphabet from time to time, a rap being given each time that he arrived at the letter intended to be indicated, and so on until a complete word or sentence was spelled out. In this way the supposed spirit on that occasion spelt out: "My own beloved Jane, I am Charles your well-beloved husband; I live to bless you, my own precious darling, I am with you always. I love, love, love you as I always did." On a second occasion the spirit of the deceased was more communicative. 'My own darling Jane' (the message ran), 'I love Daniel [meaning Home] as a son; he is to be our son; he is my son, therefore yours. Do you remember, before I passed, I said a change would take place in seven years? That change has taken place. I am happy, happy, happy.' Subsequent messages were even more explicit. 'Daniel' was to be adopted as a son, to be made independent, and to have stock worth 700*l.* a year transferred to him. The wishes of the deceased were implicitly obeyed—the widow and the defendant drove together in a cab to the city to execute the necessary transfers, constant raps being heard in and about the cab all the way, in testimony of the spirit's approval. In compliance with further directions from the land of spirits, the plaintiff made her will in the defendant's favour, gave him a present of 6,000*l.*, and settled upon him, subject to her life interest, a reversion of 30,000*l.*—these gifts being made without consideration and without power of revocation. In the spring of 1867 Home left town on business. Mrs. Lyon's spiritual necessities were too imperious to await his return, and she was put into communication with the dear departed by another medium.

But alas, her beloved Charles was no longer 'happy, happy, happy.' He denounced 'Daniel' as an impostor, and advised proceedings at law. The advice was taken, and Mrs. Lyon brought a suit in Chancery for the recovery of the property so recklessly squandered upon her adopted son. The chief forensic interest of the case was the remarkable cross-examination of the plaintiff by Mr. Henry Matthews, Q.C., the present Home Secretary, who was leading counsel for the defendant: 'I have not,' said Vice-Chancellor Giffard in the commencement of his judgment, 'gone through the affidavits made by the plaintiff herself or her cross-examination, because I think no one could have read those affidavits . . . and heard that cross-examination without coming to the conclusion that reliance cannot be placed on her testimony, and that it would be unjust to found on it a decree against any man, save in so far as what she has sworn to may be corroborated by written documents or incontrovertible facts.' No forensic ability, however, could 'pull off" the defendant's case; by decree of the Court the money was ordered to be restored, and 'to the credit of Home, who had it under his absolute control, let it be recorded that such was done.'* The concluding paragraphs of the Vice-Chancellor's judgment, according to Mr. Hume Williams,† proved *social* death to spiritualist exhibitions. They ceased to be fashionable, and were accordingly denounced. 'I know nothing,' said his Honour, 'of what is called "spiritualism," otherwise than from the evidence before me, nor would it be right that I should advert to it except as portrayed by that evidence. It is not for me to conjecture what may or may not be the effect of a peculiar nervous organisation, or how far that effect may be communicated to others, or how far something may appear to some minds as supernatural realities which to ordinary minds and senses are not real. But as regards the manifestations and communications referred to in this cause I have to observe, in the first place, that they were brought about by some means or other after, and in consequence of, the defendant's presence—how there is no proof to show; in the next, that they tended to give the defendant influence over the plaintiff as well as pecuniary benefit; in the next, that the system as presented by the evidence is mischievous nonsense, well calculated on the one hand to delude the vain, the weak, the foolish and the superstitious, and on the other to assist the projects of the needy and of the adventurer; and, lastly, that beyond all doubt there is plain law enough and plain sense enough to forbid and prevent the retention of acquisitions such as these by any medium, whether with or without a strange gift, and that this should be so is of public concern, and, to use the words of Lord Hardwicke, "of the highest public utility." '—*Law Journal* (London).

* Hume Williams's 'Unsoundness of Mind,' p. 58.
† *Ibid.* p. 59.

THE OUTLOOK FOR LAW STUDENTS.

[Concluded from page 280].

And now to another matter. Litigation, as far as solicitors are concerned, is a very unprofitable business. There is a great deal of worry in it, and we all know that many old sources of profit are taken away. It is a question which I have not come here to discuss, but I say that litigation *per se* is not that class of business from which we should get on very satisfactorily. There is a tendency on the part of the public and the Legislature to cut down all profit in connection with the law, and I believe that, although we have got a conveyancing scale which fairly pays a solicitor for the responsibility which he undertakes, even that will be assailed before many years are over. We have to think of all these things in looking at the prospects of the legal profession. The business upon which solicitors will have to rely in the future is the business demanding brains, and brains will always be paid for more or less according to their value. The business of diplomatists, which is the largest business of solicitors, will get paid for according to what it is worth. You must look at the class of work which will be reduced, and the character of business which will remain. I say that, having regard to the class upon which solicitors will hereafter largely have to depend, it is more than ever important to

cultivate the qualities to which I have referred. I served my articles some thirty years ago in a large well-known office in London, to the much respected senior partner, long since deceased. He never pretended that he had gone minutely into the technicalities of the law, but he was a splendid organizer, and could control everything and almost everybody, and carry on a successful business far better than those who were brimful of abstract legal qualifications. He was one of the best tacticians I ever came across, and, if it were possible to get around his adversary at all, he was the man to do it. I took some hints from him, and in the earlier part of my career I used to reflect on the mode in which the gentleman referred to managed his fellow-men. There is one thing about our profession which is a matter of great satisfaction, and that is the high tone which it has attained of recent years. At one time, as I said in an earlier stage of my observations, a solicitor was nobody at all; now he stands side by side with the bar—in fact, he is so much mixed up with the bar by family and other ties that it is quite ridiculous for anyone to suppose that there is any distinction between the two branches, except that the one is an advocate and the other is the man of business, and, although I do not want to trench upon another subject to-night, I wish to say that I hope it will long continue so. I am opposed to the amalgamation of the two branches of the profession, and think that we should remain as we are. All I want to observe upon that point is, that the bar are trammelled by some old and antiquated rules which work unfavourably, especially in the case of juniors. I am bound to say that I do not see a very encouraging prospect for students who are going to the bar unless they are exceptionally eloquent, or have professional connections who can be of value to them. I think that the chances are certainly less than they have been for a long time past, but I believe that if there was a better arrangement between the solicitor branch and the bar, by which they could more conveniently communicate with each other in matters of business, there would be work brought to the bar which does not now get there at all. I should be glad to see some system by which the barrister and the solicitor could better carry on their business side by side, so to speak, removing the present artificial line of demarcation, which only gets broken down by some of us who happen to have outside opportunities of becoming more natural to each other. This, however, is a matter for our barrister friends to deal with. We have members of the society who are already attaining recognized positions at the bar, and who at some time or other will perhaps address us from their point of view. There is only one other matter upon which I need detain you. It is most important for the law student that he should be a member of a debating society. It is a strange thing that in this country there is such a very small number out of millions of men who in an emergency can get up and defend themselves, much less defend anyone else. It is not part of our school education to teach men to speak; I wish it were. On the other side of the Channel one sees even an artisan conduct a little case before the judge with marked ability, and he evidently also cultivates the art of listening. I wish our boys were taught much earlier the practice of debate; anyway, every law student should certainly attend a discussion society. I myself derived very great advantage from being a member of this society. Many of my early friends here are occupying high places at the present time, heads of important London firms of solicitors or on the bench. No doubt there are some in this room like those to whom I refer, who do not know it now, but who may occupy equally high positions hereafter. I say this, not with a view of complimenting anybody in particular, but to show that it is an advantage to be a member of the Law Students' Debating Society. One not only acquires the art of speaking, but makes acquaintances in the legal profession. I believe, so far as solicitors are concerned, that law and tact and everything else is of minor importance on certain occasions compared to being well acquainted with the other side, and knowing whether he is an honourable opponent or otherwise. To conclude, let me say that I feel that very much greater care will have to be shown in the

future as to the tuition and culture of an articled clerk, and the course which the law student should take, if he hopes to attain anything like a good position. The legal profession has been brought to a high tone, the state in which it is now can hardly be excelled, and it is desirable that every man should do his best to keep it up. In carrying on your business have your own way if you can get it, proceed fairly, always maintaining a lofty standard, and, even if your adversary is in the wrong, do not be in too much of a hurry to impress upon him that you think so. I am pleased to have had an opportunity of coming here to night, it seems to bring me back to the very early days when I was a really active member. I hope that as long as I am in the legal profession I shall find occasion to come before you now and again, and I can only remark that if you are good enough to listen to anything I say with the attention you have given to-night I shall be amply rewarded.

THE LEGAL PROFESSION IN THE COLONIES.

Lawyers in the colonies do not find matters so easy as is reasonable, considering that there are local laws. In Canada the professions of barrister and solicitor are generally combined, and legal firms usually consist of a partnership in which one of the members devotes himself to advocacy. In Ontario a barrister belonging to an English inn has no further examination to pass, but a solicitor must serve under contract for a year with a local solicitor. In Quebec all lawyers are called advocates, and no one can practise without having passed the local examination; and further, as the law is mostly French, its practice necessitates a knowledge of the French language. In Manitoba an examination has to be passed in local law, though there is a clause in the local Act which seems to repeal this necessity as to the local knowledge in the case of barristers. In the North-West Territories a British qualification is held to be sufficient, but in British Columbia a local examination and residence are essential, except in the case of such as hold the degree of D.C.L. or LL.B. In Prince Edward Island a lawyer must have at least a year's residence in the colony, and submit to examination in local law if the authorities think fit. In New Brunswick the solicitor must have served a local solicitor for a year. In Nova Scotia a barrister can practise with a British qualification only, but a solicitor must pass an examination after serving a clerkship of four years. In New South Wales a barrister of a British Inn is admitted without examination on a motion made in Court in that behalf, and a solicitor from the old country can practise without examination after a residence of three months. In Victoria the conditions are the same, and application must be made to the Court in the same way. The call fee for barristers is fifty guineas, for solicitors the admission fee is forty guineas. In South Australia the fee in both cases is ten guineas, and a three months' residence is all that is necessary. In Queensland the fee is also ten guineas, and there is no distinction between barristers and solicitors, the only peculiar condition being that the applicant must have two house-holders as a reference and advertise his application in the newspapers. In Western Australia a lawyer must reside for at least six months in the colony, and then give four months' notice of his intention to apply for permission to practise. The fee is 10*l*. In Tasmania all that is necessary is for the candidate to pay twenty guineas. In New Zealand the candidate must pass an examination in law, including the law of New Zealand in so far as it differs from the law of England; but should he be fortunate enough to be an LL.B. his examination will consist only of matters concerning the local law. In the South African colonies no examinations are needful; in fact, nothing is required with a British qualification but fees.—*Law Journal.*

GENERAL NOTES.

RESTRAINT OF MARRIAGE.—The Hamburg Law Courts have a nice question to decide. An old gentleman left 20,000 crowns each to his manservant and cook on condition that if either married the whole sum should go to the one who remained single. The servants married each other, and secured the whole 40,000 crowns. A relative, who disapproves of this cuteness, now seeks to overthrow the will and obtain the return of the money on the ground that by the servants marrying they have defeated the intention of the will. One would imagine that the servants ought to be allowed to keep the money for their ingenuity.—*Ib.*