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The *Law Times* (London), referring to the decision of the Judicial Committee in *Davis* v. *Shepstone*, (*ante*, *p.* 291) thinks that the ruling of their lordships has gone somewhat too far. The question was, as to the privilege for comments upon acts of men in their public capacity. The *Law Times* says: "If this ruling is thoroughly regarded by the press, there will be little check indeed on the doings of public officials, for no newspaper can safely report any act of official misconduct, unless its editor has such complete evidence as can be relied upon as sufficient to prove the misconduct to the satisfaction of a court of justice. It is obvious that this can rarely be obtained, so that the public servants may, if they think fit, commit all sorts of official misconduct and iniquity with little fear of the press daring to expose them. In the particular case before us, the newspaper seems to have been somewhat reckless in its assertions, and not only reported the alleged facts of misconduct, but actually charged the plaintiff with them, and vouched for the truth of the charges. We have no sympathy with such hasty proceedings; but we think the law, as laid down by the Privy Council, is unsatisfactory. Charges of official misconduct, when made against public men on *prima facie* evidence, and reasonably and moderately stated, ought to be privileged."

The law as to trees whose branches extend over the land of another, came up for consideration in a recent case of *Grandona* v. *Lovdal* in California. The Supreme Court (July 14, 1886,) held that such trees are not nuisances, except to the extent to which the branches overhang the adjoining land, but to that extent they are nuisances; and the person over whose land they extend may cut them off, or have his action for damages and an abatement of the nuisance against the owner or occupant of the land on which they grow; but he may not cut down the trees, nor can he cut the branches beyond the extent to which they overhang his soil. Likewise, roots projecting into another's soil are a nuisance which may be abated if actual damage is suffered thereby. Wood Nuis., § 112, citing *Commonwealth* v. *Blaisdell*, 107 Mass. 234; *Commonwealth* v. *McDonald*, 16 Serg. & R. 390. This agrees with article 528, of the Civil Code of Lower Canada, which provides that, in default of special regulations, the distance of trees from the line of separation must be determined according to the nature of the trees and their situation, so as not to injure the neighbour. And Art. 529 says that either neighbour may require that any trees which contravene the above regulation be uprooted. And even where the trees are growing at the prescribed distance, the owner may be compelled to cut branches extending over an adjoining property.

Mielenz v. *Quasdorf*, Iowa Supreme Court, April 23, 1886, (28 N. W. Rep. 41) is a curious case upon the law of larceny. The Court held that it is not larceny for one who is the housekeeper and niece of the person with whom she lives, openly to give away outgrown children's clothes belonging to the employer. It is true, the Court further observed, that an employee does not have, by virtue of his employment, any implied authority to give away his employer's property. Possibly the plaintiff, in doing what she did, was guilty of a wrong, and became liable for the value of the articles given away, but it seems very clear that she was not guilty of felonious intent. She doubtless assumed that what she did would be regarded as of no consequence by the defendant, or would be agreeable to his feelings and wishes.

CIRCUIT COURT.

MONTREAL, Sept. 23, 1886.

Before TORRANCE, J.

BISSON *et al.* v. SYLVESTRE *et al.*

Procedure—M. C. 352—*Notice of Security.*

Appeal under the Municipal Act, to set aside the election of school commissioners, held on the 5th July last.

Security had to be given for the costs of the appeal, and sec. 352 required notice to be given of the security, *at least ten days* before the presentation of the petition to the Circuit Court. The security was given on the 21st July. The petition was presented to the Court on the 28th July.

The respondents made a preliminary objection to the petition, that ten days had not intervened, and the Court maintained the objection and rejected the petition.

Bussières for appellants.

Bisaillon for respondents.

CIRCUIT COURT.

MONTREAL, Sept. 23, 1886.

Before TORRANCE, J.

ROSS *et al.* v. BERTRAND.

Composition — Non-Compliance with—Rights of Creditors.

HELD :—*That a composition, being an act of liberality towards a debtor, must be strictly complied with by him.*

This was an action upon a promissory note for $74.21. The defendant pleaded a composition in the following words and figures :—

" We, the undersigned, creditors of B. J. " Bertrand, of St. Placide, trader, do hereby " accept a composition of fifty cents in the " dollar, payable as follows; — twenty-five " cents payable on the eighth day of June, " and twenty-five cents payable on the eighth " day of July next. We also agree to dis- " charge the mortgage we hold on all his " property so soon as the above composition " is paid. Montreal 18th May, 1885."

(Signed) "P. M. GALARNEAU & Co.," and six others.

The plaintiffs did not sign, but there was verbal evidence that they were at the meeting of creditors which agreed to the composition, and were consenting parties.

The instalments were not paid on the days fixed, and the plaintiffs brought the action for the balance of their claim, irrespective of the composition.

PER CURIAM: — A composition must be strictly complied with by the debtor. It is an act of liberality to him. It has been so decided again and again in our Courts. See Montague on Composition, pp. 27 and 28. Also *Beaudry et al.* v. *Barrille*, 1 Rev. de Lég., p. 33, and *Atkinson* v. *Nesbitt*, Ib. 110. These were decisions of the Court of Appeal, one in Montreal, and the other in Quebec. See also *Brown et al.* v. *Hartigan*, 5 L. C. J., p. 41. All these decisions were in the same sense.

Judgment for plaintiffs.

Cooke & Brooke for plaintiffs.

Pagnuelo, Taillon & Gouin for defendant.

CIRCUIT COURT.

MONTREAL, September 21, 1886.

Before TORRANCE, J.

BARRETTE v. TURNER.

Arrest—Probable Cause.

Where B., while passing along a street, pushed a drunken man, so that he reeled against a shop window and broke it, and the shopkeeper, coming out, caused the arrest of both B. and the drunken man on the charge of breaking his window,

HELD, *that there was probable cause for the arrest.*

On the 18th November, 1885, the plaintiff was passing along Notre Dame street, when, as he arrived nearly opposite to the shop of defendant, he saw before him, and approaching him, a reeling drunken man. The plaintiff pushed him from him, in order to avoid his contact, and the man went rolling with his weight into defendant's window. The witness, Désiré Mercure, said that it appeared to him as if plaintiff pushed the drunken man with all his force. The window was broken, of the value of $10. There was a policeman on the opposite side of the street, and Turner, calling him, gave the plaintiff into custody with the drunken man, one Kennedy, on the charge of breaking his window. The policeman did not see the act of Barrette pushing Kennedy. At the police station, Barrette was, after some minutes' detention, released, the sergeant in charge advising Turner to bring an action of damages in the civil court. Accordingly Turner and company brought an action of damages against Barrette for breaking their window and recovered $10. The question now presented is, has Barrette a right to dam-

ages against Turner for causing his arrest?

PER CURIAM. Actions of damages have frequently arisen from arrests without a warrant, and statutory enactments have frequently been passed allowing arrests in certain cases. By C. S. L. C., ch. 102, section 7, any man belonging to the police force, may, during the time of his being on duty, apprehend all loose, idle and disorderly persons, whom he finds disturbing the public peace, &c. (2 Vic., cap. 2) Again, 14 & 15 Vic., cap. 128, sec. 86, enacts that it shall be lawful for any constable, during the time of his being on duty, to apprehend all idle and disorderly persons whom he shall find disturbing the public peace, or whom he shall have just cause to suspect of any evil designs, &c. Section 87: It shall and may be lawful for any officer or constable of the said force, by day as well as by night, to arrest, on view, any person offending against any of the By-laws, Rules and Regulations of the city of Montreal, or of the council thereof, the violation of which is punishable with imprisonment; and it may and shall be lawful also for any such officer or constable to arrest any such offender against any such By-law, Rule or Regulation, immediately or very soon after the commission of the offence, upon good and satisfactory information given as to the nature of the offence, and the parties by whom committed, &c. By 32-33 Vic., cap. 22, sec. 60, it is enacted that whosoever unlawfully or maliciously commits any damage, injury or spoil, to or upon any real or personal property whatsoever, either of a public or private nature, for which no punishment is hereinbefore provided, shall, on conviction before a Justice of the peace, forfeit and pay, &c. By section 69, any person found committing any offence against this Act, whether the same be punishable upon indictment or summary conviction, may be immediately apprehended, without a warrant, by any peace officer, or the owner of the property injured, or his servant, or any person authorized by him, and forthwith taken before some neighbouring justice of the peace, to be dealt with according to law. By cap. 28 of the same year, 1869, all persons, &c., breaking windows, &c., shall be deemed vagrants, loose, idle and disorderly persons, within the meaning of this Act, &c. By by-law of the city, cap. xxiii, by-law to preserve public peace and good order, it is enacted, sec. 1: All riots, noises, disturbances, or disorderly assemblages, are hereby prohibited in this city; and all persons making or creating any riot, noise, disorder, or disturbance, or forming part of any disorderly assemblage anywhere within the limits of the said city, shall incur the penalty hereinafter provided.

Under these various provisions, would the plaintiff be liable to arrest, without warrant, for breaking the window, and was there probable cause for the arrest? Was the plaintiff open to the charge of malice in sending Kennedy, the drunken man, against the window? In Russell on Crimes, vol. 1, p. 668, in foot note (i) Mr. Justice Best is reported as saying: "We must settle what is meant by the term malice. The legal import of this term differs from its acceptation in common conversation. It is not, as in ordinary speech, only an expression of hatred and ill-will to an individual, but means any wicked or mischievous intention of the mind."

Was plaintiff a disorderly person disturbing the public peace, when he broke the window, in the meaning of the Vagrant Act? Was there probable cause for the arrest, exonerating Turner from blame of precipitation? In Fisher's Digest *vo.* Criminal Law, p. 2,882, I read the following:—"If a person is guilty of an assault and battery, a policeman, who is present, and sees the offence committed, is justified in taking the offender at once into custody, without warrant, in order to take him before a magistrate to answer for the offence; and if such person is so taken into custody, he cannot maintain an action against a bystander for directing the policeman so to take him into custody."

I read in Greenleaf, Evidence, vol. 2, sec. 455, "Probable cause does not depend upon the actual state of the case, in point of fact, but upon the honest and reasonable belief of the party prosecuting."

Upon a careful consideration of this case, I am of opinion that the plaintiff has to blame himself for the arrest. If he was not free from blame in flinging the drunken man into the window, he is very near the definition of malice spoken of by Judge Best. If his act

was malicious, the arrest is justified by sec. 69 of 1869. Then he was a disorderly person under cap. 28 of 1869. And Turner hearing his window breaking, hurrying suddenly out into the street, to discover the cause, and discovering Barrette and the drunken man, very naturally, and not improperly, gave Barrette into custody of the policeman on the spot, to answer for disorderly conduct. The reeling, staggering man was naturally an object of repulsion to Barrette, but the man was out of his senses, and should have been an object of commiseration rather than contumely. He could have been avoided without an encounter and collision. There was probable cause for what Turner did.

Action dismissed.

St. Pierre for plaintiff,
Martineau for defendant.

COUR D'APPEL DE LYON (IRE CH.)

2 mars 1886.

Présidence de M. FOURCADE, premier président.

BOUDIN v. VEUVE ACCARIE.

Saisie-arrêt—Jugement—Appel—Titre suffisant—Connexité—Affaire ordinaire—Jonction.

1o. *Un jugement, frappé d'appel, constitue, au profit de celui qui l'a obtenu, titre suffisant pour former une saisie-arrêt sur la partie condamnée. Simple mesure conservatoire, ses effets doivent être maintenus jusqu'à la solution définitive de l'appel interjeté.*

2o. *La classification de deux instances connexes, s'agitant entre les mêmes parties, devant une même Cour d'appel, l'une comme affaire ordinaire, l'autre comme affaire sommaire, ne s'oppose pas à leur jonction et à ce qu'il soit statué sur toutes deux par un seul et même arrêt.*

Par jugement en date du 30 juillet 1884, le Tribunal civil de Saint-Etienne a condamné Boudin à payer à la veuve Accarie une somme de 1,700 fr. avec intérêts de droit. Ce jugement a été frappé d'appel par Boudin. Néanmoins la veuve Accarie a fait pratiquer en vertu du dit jugement une saisie-arrêt ès mains d'un sieur X... débiteur de Boudin, pour avoir paiement de la somme de 1,700 francs. Boudin a contesté la validité de cette saisie-arrêt en prétendant qu'elle n'avait pu être régulièrement formée en vertu d'un jugement frappé d'appel. Mais à la date du 23 avril 1885 second jugement du Tribunal civil de Saint-Etienne maintenant la dite saisie-arrêt et ainsi conçu:

"Attendu que la question soumise au Tribunal est celle de savoir si une saisie-arrêt trouve une base suffisante dans un jugement frappé d'appel;

"Attendu, sur ce point, qu'il y a d'abord lieu de constater que la défenderesse déclare formellement qu'elle ne demandera pas la validité de la procédure suivie et l'attribution des deniers saisis, tant que l'appel n'aura pas été tranché;

"Attendu qu'il ne s'agit donc pas de statuer sur un acte d'exécution, mais sur une simple mesure conservatoire, à savoir le maintien des effets de la saisie jusqu'à une solution définitive; que cette mesure peut être prise en vertu d'un simple titre privé ou d'une permission de juge; qu'elle a pour but et pour effet d'empêcher le tiers-saisi de se libérer aux mains du saisi, mais que tous les droits des parties sont réservés, même ceux du saisi à des dommages-intérêts s'il y a lieu; qu'un jugement est évidemment à l'origine un titre suffisant pour justifier cette mesure comme toutes autres ayant le même caractère; que l'appel interjeté ne le fait pas en effet disparaître, mais qu'il est suspensif de son exécution, c'est-à-dire qu'il empêche d'attribuer au saisissant les sommes saisies et de contraindre le tiers-saisi à se libérer en ses mains;

"Attendu que cette jurisprudence est consacrée par les deux arrêts de la Cour de cassation des 10 août et 28 décembre 1881 (D. 82.1.307-377);

"Attendu que le système tendant à maintenir les retenues faites jusqu'à l'appel, mais à considérer la saisie comme nulle depuis cet appel jusqu'à l'arrêt de la Cour, n'est pas admissible; que si l'appel détruit la base de la saisie, celle-ci doit être considérée comme non existante; que si, au contraire, cette base légale existe, ses effets doivent être maintenus jusqu'à décision de la juridiction supérieure;

"Par ces motifs,

"Déboute Boudin de sa demande."

Boudin a interjeté appel de ce jugement.

Statuant, tant sur cet appel, que sur l'appel précédemment interjeté du jugement du 30 juillet 1884, la Cour de Lyon a rendu l'arrêt suivant :

La Cour,

Considérant que les deux causes soumises à l'appréciation de la Cour s'agitent entre les mêmes parties ; qu'elles sont connexes et qu'il y a donc lieu de statuer sur elles, par un seul et même arrêt ; que leur classification en affaire ordinaire et en affaire sommaire ne s'oppose d'ailleurs nullement à leur jonction,

Par ces motifs, et adoption de ceux qui appuient la décision des premiers juges :

Confirme.

NOTE.—Sur le premier point : *Adde* aux arrêts cités dans le jugement et dans le même sens : Trib. civ. Villefranche 23 janvier 1885 (Gaz. Pal. 85. 2. supp. 16) ; Trib. civ. Seine 21 avril 1885 (Gaz. Pal. 85.2. supp. 30) ; Trib. civ. Chambéry 9 janvier 1885 et Rennes 8 juin 1885 (Gaz. Pal. 85.2.28) et les notes.—*Gaz. du Palais.*

TRIBUNAL CIVIL DE MONT-DE-MARSAN.

27 juillet 1886.

Présidence de M. LARRIEU.

BERNHEIM v. BILLOUX.

Commerçant—Femme mariée—Mandat tacite—Effets de commerce—Signature—Obligation.

La femme qui gère habituellement les affaires de son mari est considérée comme mandataire de celui-ci et l'oblige comme telle.

Spécialement le mari est obligé par un billet à ordre que la femme a souscrit pour les besoins du commerce, alors surtout que le grand nombre des signatures qu'elle a données dans d'autres circonstances, pour le compte du mari, indique une habitude suffisante pour faire présumer qu'elle a agi en vertu d'un mandat tacite.

Le Tribunal,

Attendu que Bernheim, porteur d'un billet à ordre de 220 francs souscrit en sa faveur par Billoux à la date du 17 janvier 1886, à l'échéance du 28 avril suivant, avalisé par Darrieux, a fait assigner ces deux derniers devant le Tribunal en condamnation du montant du dit billet ;

Attendu que Billoux, qui avait déjà répondu à Daverat, huissier rédacteur du protêt, le 29 avril dernier, qu'il n'avait pas apposé sa signature au bas du billet, reproduit cette déclaration devant le Tribunal, ajoutant que cette signature est celle de sa femme, à qui il n'avait nullement donné ce mandat, et conclut au débouté des conclusions prises contre lui par Bernheim ;

Attendu qu'il est à remarquer tout d'abord que ce billet est revêtu du timbre de commerce de Billoux, de forme ovale, contenant imprimés à l'encre bleue les mots " Billoux, horloger à Mont-de-Marsan (Landes) ; " que cette circonstance démontre qu'il a été préparé dans la maison Billoux et non surpris à la bonne foi de dame Billoux, comme le prétend le défendeur ;

Attendu, d'un autre côté, que Darrieux, qui a fait de nombreuses affaires avec Billoux, produit un grand nombre d'effets revêtus de la signature Billoux ; que plusieurs de ces effets sont revêtus d'une signature dont les caractères ne ressemblent pas à ceux de la signature contestée, mais que le plus grand nombre reproduit une signature tout à fait identiqne ; que, dès lors, dans le cas où, comme le dit Billoux, la signature qu'il conteste aurait été tracée par sa femme, le grand nombre de celles qu'elle aurait écrites dans d'autres circonstances, pour le compte du mari, indique une habitude suffisante pour constituer le mandat tacite consacré par la jurisprudence, qui considère comme mandataire du mari commerçant sa femme qui gère habituellement ses affaires ;

Attendu que la signature de dame Billoux, apposée au bas de l'effet du 17 janvier de 220 fr. obligeant suffisamment le sieur Billoux, son mari, il y a lieu, tout en déboutant ce dernier de son exception, d'accueillir la demande de Bernheim, en condamnant solidairement Billoux et Darrieux au paiement du montant du dit billet ;

Par ces motifs,

Déboutant Billoux de ses conclusions et fins de non-recevoir, le condamne conjointement et solidairement à payer au sieur Bernheim la somme de 220 fr., montant du dit billet, avec intérêts depuis le protêt.

NOTE.—Sur la question du mandat tacite de la femme d'un commerçant et sur le pouvoir d'appréciation du juge en cette matière, V. conf. Paris 12 novembre 1885(Gaz. du Pal. 86.1.68) et la note.

COUR D'APPEL D'ORLÉANS.

12 août 1886.

Présidence de M. DUBEC.

ANDRÉ et MERRY v. CREUX.

Absence d'appareils protecteurs—Responsabilité.

Le patron d'un établissement industriel, qui emploie un ouvrier à un travail de sa nature dangereux, est responsable de l'accident arrivé à cet ouvrier, s'il a négligé de le munir d'appareils protecteurs, alors surtout qu'aucune faute n'est imputable à la victime.

Il en est ainsi encore que l'ouvrier n'ait consenti que moyennant un salaire plus élevé à se livrer à ce travail.

La Cour,

Attendu qu'il est constaté, en fait, et reconnu par André lui-même, que le travail auquel le sieur Creux était employé le 1er novembre 1883, jour de l'accident, est, par sa nature, un travail dangereux pour les ouvriers; que si l'ouvrier consent, pour un salaire plus élevé, à se livrer à ce genre de travail, le patron n'ignore pas davantage les risques auxquels il est exposé; que cette situation lui commande la plus grande prudence et l'emploi de tous les moyens propres à préserver les ouvriers;

Attendu qu'il résulte des documents du procès, de l'enquête et des explications fournies par les parties que, dans l'espèce, tous ces moyens de préservation n'ont pas été employés; que l'ouvrier qui travaillait dans les conditions normales n'a commis aucune faute; que ce n'est point par son fait que la meule a éclatée;

Attendu que si la cause de cette rupture n'a pu être exactement précisée, il est néanmoins établi par les documents du procès que André et Merry ont négligé de prendre, pour en prévenir les conséquences, toutes les précautions nécessaires; que notamment ils auraient pu adopter l'emploi d'appareils protecteurs; qu'ils n'ont donc pas fait tout ce qui était en leur pouvoir et que leur responsabilité est engagée;

Par ces motifs,

Confirme.

TRIBUNAL CIVIL DE LA SEINE.

8 mai 1886.

Présidence de M. GRESSIER.

VACHIER-DURBEC v. DURBEC.

Succession—Enfant naturel—Père et mère naturels—Absence de réserve.

Les père et mère naturels n'ont aucun droit de réserve dans la succession de leurs enfants naturels.

Le Tribunal,

Attendu que Léonie-Emilie Durbec, fille naturelle reconnue de Louise Durbec, est décédée le 18 octobre 1882, épouse de Michel Vachier, laissant la dame Jeanne Sauret, veuve de Claude Vachier, sa légataire universelle, aux termes de son testament olographe, en date, à Paris, du 30 septembre 1882;

Attendu que, sur la production du dit testament et d'un acte de notoriété dressé le 11 août 1883, par Robillard, notaire à Montreuil-sous-Bois, constatant que la défunte était morte sans laisser de postérité, la légataire en possession de son legs, aux termes d'une ordonnance a été envoyée de M. le président du Tribunal, en date du 6 septembre 1883;

Attendu que la dame Louise Durbec n'a pas qualité ni droit pour contester cet envoi en possession, ni pour prétendre à une part dans la succession de sa fille;

Attendu que si les enfants naturels reconnus ont un droit à une réserve sur les biens de leurs père ou mère naturels, il ne faut pas en conclure une réciprocité en faveur de ces derniers sur les biens de leurs enfants décédés; que la loi est muette à cet égard;

Attendu que l'envoi en possession étant régulier, la veuve Claude Vachier a un titre; que ce n'est pas à elle qu'incombe la charge de la preuve de la validité du testament, qu'il appartient à la contestante d'en prouver la nullité;

Attendu qu'il résulte des documents fournis au Tribunal, et notamment des signatures apposées par la *de cujus* au pied des actes de

mariage et de publications dressés à la mairie du XXe arrondissement de la ville de Paris et sur les pièces annexées, que l'écriture et la signature du testament sont une œuvre personnelle; qu'il suffit de voir ces pièces de comparaison pour se convaincre que la feue dame Vachier savait écrire convenablement;

Attendu qu'il est dès à présent constant que le testament émane de la feue dame Vachier, qu'il n'y a pas lieu d'ordonner une expertise;

Par ces motifs,

Déclare la dame Louise Durbec mal fondée en sa demande en nullité du testament de la feue dame Michel Vachier, l'en déboute;

La déclare mal fondée en sa demande en vérification d'écritures, l'en déboute;

La déclare sans droit à se dire héritière à réserve de sa fille naturelle et à demander la liquidation de la succession de Claude Vachier, de la communauté Vachier-Sauret, de la succession de Michel Vachier et de la communauté Vachier-Durbec, des successions d'Eugène-Joseph et Gaston Vachier, de la succession de Vachier-Durbec et en licitation de l'immeuble sis rue de Terre-Neuve;

La déclare egalement mal fondée en sa demande en rapport de l'ordonnance d'envoi en possession rendue au profit de la veuve Claude Vachier, l'en déboute.

NOTE.—Nous croyons cette solution juridique, mais nous ne trouvons guère péremptoire l'argument sur lequel elle est basée. "La loi, dit le Tribunal, est muette à cet égard." Nous sommes d'accord! Mais elle est muette aussi sur la question de savoir si les enfants naturels ont droit à la réserve; et cette réserve leur est pourtant généralement accordée. V. Cass. 3 mars 1846 (D. 46. 1.88) et le rapport de M. le conseiller Mesnard; Cass. 26 décembre 1860 (D. 61.1.21); Paris 18 novembre 1859 (D. 59.2.193; Cass. 29 janvier 1862 (D. 62.1.88); Bordeaux 4 février 1863 (D 63.2.216); Cass. ch. réunies 12 décembre 1865 (D. 65.1.457); Bourges 18 décembre 1871 (D. 72.5.429); Aubry et Rau, t. V, § 680, note 4; Demolombe, t. XIX, No. 184.—*Contrà* Laurent, t. XII, No. 53.—*Gaz. du Palais.*

"SHALL WE MUZZLE THE ANARCHISTS?"

In the July *Forum* Professor Herbert C. Adams of Johns Hopkins University discusses the question that has doubtless suggested itself more often than any other of late: "Shall we Muzzle the Anarchists?" He points out that only one attempt of the civil power to restrain the utterances of the press has hitherto been made—the Sedition Law—and that since its repeal, the American people "have acted upon the belief that individual freedom, exercised under conditions of strict responsibility, is sufficient guarantee for that personal security, the enjoyment of which is the best test of a just society." But when the anarchist press prejudices the ignorant against the employers of labour, as enemies, and incites them to "burn, kill, and destroy until we force the autocrats to terms," some decisive step by way of prevention ought to be thoughtfully considered. "We can no longer," as Professor Adams says, "treat with amused indifference the threats of those who propose to establish a new heaven upon this old earth by means of indiscriminate murder." Some action must be taken, but what? There is undoubted moral right to suppress such utterances as go beyond the acknowledged lines of free discussion and incite to crime, as being in a sense accessory to the crime itself. Indeed, analogous laws already exist; for example, the prohibition of carrying concealed weapons. The question is solely one of expediency; and Professor Adams concludes that for the authorities to enter upon a policy of repression would be inexpedient and unprofitable, for the reason that as the law now stands, offenders who incite to crime are already within its scope. This may be true. But the practical difficulty lies, not so much in the punishment of those who exhort to commit crime, as in the suppression of the teachings which school the anarchist mind to a readiness to respond to the exhortations. Take the anarchist German paper in New York, for example. Its influence has made it extremely difficult to obtain a jury to try the accused boycotters, and has directed a practical boycott against members

who served on juries in the cases where convictions were arrived at. This influence was so apparent that during the examination of witnesses for a later case, the judge was constrained to direct the district attorney to begin proceedings against its editor and proprietors. Meanwhile the paper goes on, and will go on, if the present defendants are convicted. The criminal administration cannot, as a matter of fact, keep up the succession of editors who are ever ready to be "sacrificed." The only really effective method is to suppress the paper itself. The principle of free speech does not cover such license to the press and discussion as to endanger the peace and order of society; and when the ranting frenzies of the anarchists pass beyond the acknowledged limits of open discussion, the suppression of the means of uttering them no more violates the principle than the punishment of the offender himself. We are not unmindful that Lord Bacon says "the punishing of wits enhances their authority, and a forbidden writing is thought to be a certain spark of truth that flies up in the faces of them that seek to tread it out." But the remark would rather apply where the paper or club was allowed to exist, and the offenders punished personally, than where it was suppressed and blotted out, in which case the whole affair would probably soon sink into oblivion.—*Columbia Jurist.*

GENERAL NOTES.

SUNDAY LAWS.—The present Louisiana Legislature has passed a Sunday law. For 170 years the people of New Orleans have devoted themselves to pleasure-seeking on Sunday. By the new law, all places of business will be closed on the Sabbath, except newspaper offices, book stores, public markets, drug stores, restaurants, theatres, and other places of amusement where liquors are not sold, street cars, and a few others of minor importance. Guests at hotels will, however, be allowed to purchase wine at the table, as it has been the custom to keep all bar-rooms, corner-groceries and small shops open throughout Sunday. The hotel men may well congratulate themselves. The Saturday evening and Sunday morning arrivals will fill up many pages of the hotel registers.—*Washington Law Reporter.*

LIEN ON A CAUSE OF ACTION.—Maggie Cahill, according to the *New York Daily Register*, sued her cousin, John Cahill, in the City Court, for damages for assault and battery. When the case came for trial, she wished to withdraw it; but her lawyer, Samuel H. Randall, insisted that he had a lien upon the cause of action, and that unless he was paid, it must be prosecuted. Chief Justice M'Adam, to whom Maggie appealed, held that a cause of action for personal injuries not being assignable, a lien could not attach to it, until it was made certain by a verdict. The Chief Justice in giving judgment made use of the following beautiful words: 'The language of the Holy Writ, "Blessed are the peacemakers," &c., accords with the maxim "Interest reipublicæ ut sit finis litium:" and every principle of law, order, and propriety agree that the peace of the family now prevailing should not be broken up by the dark visage of intestine war, waged not for principle, but "for costs." The plaintiff will, therefore, be allowed to discontinue her action, without costs.'

"CAN IMAGINATION KILL?"—This is, perhaps, hardly the correct form of question that the *British and Colonial Druggist* puts to itself in discussing the death of the young woman at Hackney under circumstances in which Keating's insect powder largely figured. As the powder appears by Dr. Tidy's experiments to be perfectly harmless, the suggestion is not unnaturally made that the deceased, who was possibly of a hysterical, highly imaginative turn of mind, took the powder in the full belief that by its means her death might be accomplished. The writer of the article in our contemporary, we think wrongly, brings forward two remarkable instances of what may be regarded as practical jokes with melancholy terminations. In the case of the convict delivered up to the scientist for the purpose of a psychological experiment (the man was strapped to a table and blindfolded, ostensibly to be bled to death; a siphon containing water was placed near his head, and the fluid was allowed to trickle audibly into a vessel below it, at the same time that a trifling scratch with a needle was inflicted on the culprit's neck; it is said that death occurred at the end of six minutes), fear must have played no inconsiderable share in the fatal result, and we do not know whether all the vital organs were in a sound condition, though they were presumably so. The old story of the case of a college porter is also one in point. The students entrapped him into a room at night, a mock inquiry was held, and the punishment of death by decapitation decreed for his want of consideration to the students. It is small wonder that, under the dominion of fear and belief in the earnestness of his tormentors, the sight of an axe and block, with subsequent blindfolding and necessary genuflexion, a smart rap with a wet towel on the back of his neck should have been followed by the picking up of a corpse.—*Lancet.*

LES VACANCES JUDICIAIRES.—Le Palais est en vacances depuis hier. La rentrée des Cours et Tribunaux aura lieu le 16 octobre. Magistrats et avocats partent en province pour l'ouverture de la chasse. Le silence règne maintenant dans les grandes galeries des Pas-Perdus, et n'est troublé que par les caravanes d'Anglais qui viennent visiter le Palais. Les affaires civiles urgentes seront expédiées par la Chambre des vacations. Le service de la police correctionnelle est assuré par le fonctionnement de deux chambres. Quant à la Cour d'assises de la Seine, on sait qu'elle ne chôme jamais; mais aucune affaire intéressante ne s'annonce à l'horizon.—*Gaz. du Palais*, 17 août.