THE

# LEGAL NEWS.

VOL. XVIII. NOVEMBER 15, 1895. No. 22.

## *CURRENT TOPICS AND CASES.*

The resignation of Mr. Justice Brooks from the bench of the Superior Court, St. Francis district, was not unexpected, but nevertheless the announcement will be received with regret. Mr. Justice Brooks has held the office of judge in the district of St. Francis, during thirteen years, and these have been years of increasing labour and responsibility, the work continually growing with the growth of a prosperous and progressive section of the province. The learned judge's health during the last two years has not been as good as it was formerly, and it is understood that he felt the strain so severely that he suggested the appointment of an additional judge for the district. The government does not appear to have acceded to the request, and Mr. Justice Brooks, finding his strength unequal to the growing burden, tendered his resignation. It is probable that the appointment of an additional judge for St. Francis cannot be very long deferred, for in the past the district has made frequent calls upon the Montreal bench for temporary assistance. The judicial returns show that it is now an important centre of business. Mr. Justice Brooks carries with him

into retirement the respect and kindest wishes of the bar. His judicial career has been marked by courtesy to the profession and patient hearing of the arguments addressed to him, and his judgments have always shown that the questions he was called upon to decide were fully and fairly considered.

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The vacancy in the Superior Court at Sherbrooke, caused by the resignation of Mr. Justice Brooks, has been filled with commendable promptitude by the appointment of Mr. William White, Q. C. Mr. White's standing at the bar of the district of St. Francis, where he has long practised, naturally indicated him as Judge Brooks' successor, and the appointment is one of those which are not only unquestioned but are not open to question. The bar and the people of the district are fortunate in having so able a man to replace Mr. Justice Brooks.

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The Montreal City Council has passed the early closing by-law, to take effect on 1st May next, but by the exceptions contained therein the city rulers seem to have carefully guarded the privileges of one important section of their constituents. While a grocer may have to suffer imprisonment for selling a pound of bacon or half a dozen eggs to a hungry customer at five minutes past eight in the evening, there is no restriction upon the supply of whisky and tobacco by those whose deal in such articles to those in quest of them. It may also be pointed out that this law, which puts fetters on trade to the injury of the city, does not come into force until after the expiry of the mandate of the present council. Legislation making such fundamental changes should not be attempted in the last moments of a moribund body.

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A case illustrating the absurd extent to which the doctrine of solatium can be carried in the popular mind has recently occurred. A Miss Munroe wrote an ode for the

opening of the Chicago Exposition. Advance copies were communicated to certain newspapers, and one of these permitted some eccentricities to appear which the authoress alleged to be misprints, and she claimed as damages for injury to her feelings and reputation, the modest sum of fifty thousand dollars. The fair plaintiff was permitted to read her ode to the jury notwithstanding the objections of defendant's counsel, and the effect seems to have equalled the waving of a magician's wand, for a verdict of $5,000 was found in her favor. At the trial Mr. Stoddard, a poet of some repute, testified that the ode was worth perhaps $200. Miss Munroe actually got $1,000 as a reward for the composition of the lines, and if she receives the $5,000 awarded by the jury, her poetical effort cannot be considered to have been entirely futile.

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The English Attorney-General, Sir Richard Webster, at a recent distribution of prizes in the Metropolitan School of Shorthand, commented on the advantage of a knowledge of shorthand as part of the equipment of a commercial or professional man. He mentioned that the ex-Solicitor-General, Sir Edward Clarke, and his present colleague, Sir Robert Finlay, found that the knowledge of shorthand which they possessed gave them great assistance in the conduct of their cases, and he greatly regretted that in his youth the importance of acquiring such a knowledge had not been impressed upon him with such force as to induce him to learn and practise the art. The service which shorthand was the means of rendering to the whole legal procedure of the country could not be overrated, and in the preservation of the priceless oratory of statesmen, and in other departments of life, its benefits were incalculable.

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The following telegram has been received from London in regard to the case of *Virgo* v. *City of Toronto* (22 Can. S. C. R. 447). "In the case of the Corporation of the City

of Toronto v. Virgo, on appeal from the Supreme Court of Canada, judgment was delivered to-day, (Nov. 16). Their Lordships thought that there was a marked distinction to be drawn between prohibition or prevention of a trade, and the regulation or governance of it, and that the question was one of substance and should be regarded from the point of view of the public as well as of that of the hawkers. They regarded the effect of the by-law to be practically to deprive residents of buying goods or trading with the class of traders in question. Their Lordships' conclusion was that it was not the intention of the Act to give to the Corporation the prohibitory powers claimed under the by-law, and, agreeing with the majority of the Judges of the Supreme Court, they dismissed the appeal with costs."

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*SUPREME COURT OF CANADA.*

OTTAWA, 6 May, 1895.

Ontario.]

VICTORIA HARBOUR LUMBER CO. v. IRWIN.

*Contract—Sale of timber—Delivery—Time for payment—Premature action.*

By agreement in writing, I. agreed to sell and the V. H. L. Co. to purchase timber to be delivered "free of charge where they now lie, within ten days from the time the ice is advised as clear out of the harbour so that the timber may be counted . . . "Settlement to be finally made inside of thirty days in cash less 2 per cent. for the dimension timber which is at John's Island."

*Held*, affirming the decision of the Court of Appeal, that the last clause did not give the purchasers thirty days after delivery for payment; that it provided for delivery by vendors and payment by purchasers within thirty days from the date of the contract; and that if purchasers accepted the timber after the expiration of thirty days from such date, an event not provided for in the contract, an action for the price could be brought immediately after the acceptance.

Appeal dismissed with costs.

*Laidlaw, Q. C., & Bicknell*, for appellants.

*McCarthy, Q. C., & Edwards*, for respondent.

Ontario.] 24 June, 1895.

ROBERTSON v. GRAND TRUNK RY. CO.

*Construction of statute—Railway Act*, 1888, *s.* 246, (3)—*Railway Co.—Carriage of goods—Special contract—Negligence—Limitation of liability for.*

By s. 246 (3) of the Railway Act, 1888, 51 Vic., c. 29 (D), "every person aggrieved by any neglect or refusal in the premises, shall have an action therefor against the company, from which action the company shall not be relieved by any notice, condition or declaration if the damage arises from any negligence or omission of the company or of its servants."

*Held*, affirming the decision of the Court of Appeal (21 Ont. App. R. 4) and of the Divisional Court (24 O. R. 75), that this provision does not disable a railway company from entering into a special contract for the carriage of goods and limiting its liability as to the amount of damages to be recovered for loss or injury to such goods arising from negligence. *Vogel* v. *Grand Trunk Ry Co.* (11 Can. S. C. R. 612), and *Bate* v. *Canadian Pacific Ry. Co.* (15 Ont. App. R. 388) distinguished.

The G. T. Ry. Co. received from R. a horse to be carried over its line and the agent of the company and R. signed a contract for such carriage, which contained this provision: "The company shall in no case be responsible for any amount exceeding one hundred dollars for each and any horse," etc.

*Held*, affirming the decision of the Court of Appeal, that the words "shall in no case be responsible" were sufficiently general to cover all cases of loss howsoever caused, and the horse having been killed by negligence of servants of the company, R. could not recover more than $100 though the value of the horse largely exceeded that amount.

Appeal dismissed with costs.

*Moss, Q. C., & Collier*, for appellant.

*Osler, Q. C., & W. Nesbitt*, for respondent.

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Ontario.] 24 June, 1895.

TOWNSHIP OF COLCHESTER SOUTH v. VALAD.

*Practice—Reference—Report of referee—Time for moving against—Notice of appeal—Cons. Rules* 848, 849—*Extension of time—Confirmation of report by lapse of time.*

In an action by V. against a municipality for damages from injury to property by the negligent construction of a drain a,

reference was ordered to an official referee "for inquiry and report pursuant to sec. 101 of the Judicature Act, and rule 552 of the High Court of Justice." The referee reported that the drain was improperly constructed and that V. was entitled to $600 damages. The municipality appealed to the Divisional Court from the report, and the Court held that the appeal was too late, no notice having been given within the time required by Cons. Rule 848, and refused to extend the time for appealing. A motion for judgment on the report was also made by V. to the Court, on which it was claimed on behalf of the municipality that the whole case should be gone into upon the evidence, which the Court refused to do.

*Held*, affirming the decision of the Court of Appeal, that the appeal not having been brought within one month from the date of the report, as required by Cons. Rule 848, it was too late; that the report had to be filed before the appeal could be brought, but the time could not be enlarged by delay in filing it; and that the refusal to extend the time was an exercise of judicial discretion with which this Court would not interfere.

*Held*, also, Gwynne, J., dissenting, that the report having been confirmed by lapse of time and not appealed against, the court on the motion for judgment was not at liberty to go into the whole case upon the evidence, but was bound to adopt the referee's findings and to give the judgment which those findings called for. *Freeborn* v. *Vandusen* (15 Ont. App. R. 267) approved of and followed.

Appeal dismissed with costs.

*Wilson, Q. C.*, for the appellants.

*Douglas, Q. C., & Langton, Q. C.*, for the respondent.

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24 June, 1895.

Ontario.]

LUNDY v. LUNDY.

*Will—Devise—Death of testator caused by devisee—Manslaughter.*

In an action for a declaration as to title to land the defendant claimed under a deed from his brother, who derived title under the will of his wife for causing whose death he had been convicted of manslaughter and sentenced to imprisonment.

*Held*, reversing the decision of the Court of Appeal, (21 Ont. App. R. 560) Taschereau, J., dissenting, and restoring the judg-

ment of Mr. Justice Ferguson in the Divisional Court (24 O. R. 132) that the devisee having caused the death of the testator by his own criminal and felonious act could not take under the will, and that in such case no distinction could be made between a death caused by murder and one caused by manslaughter.

Appeal allowed with costs.

*S. H. Blake, Q. C.*, for the appellants.

*Aylesworth, Q. C., & Murphy*, for the respondent.

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24 June, 1895.

Ontario.]

BELL v. WRIGHT.

*Solicitor—Lien for costs—Fund in Court—Priority of payment—Set-off.*

In a suit for construction of a will and administration of testator's estate, where the land of the estate had been sold and the proceeds paid into court, J., a beneficiary under the will and entitled to a share in said fund, was ordered personally to pay certain costs to other beneficiaries.

*Held*, reversing the decision of the Court of Appeal (16 Ont. App. R. 335), that the solicitor of J. had a lien on the fund in Court for his costs as between solicitor and client in priority to the parties who had been allowed costs against J. personally.

*Held* also, that the referee before whom the administration proceedings were pending, had no authority to make an order depriving the solicitor of his lien, not having been so directed by the administration order, and there being no general order permitting such an interference with the solicitor's *primâ facie* right to the fund.

Appeal allowed with costs.

*Armour, Q. C., & McBrayne*, for the appellants.

*Lefroy & Beck*, for the respondents.

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24 June, 1895.

Quebec.]

LIGGETT v. HAMILTON.

*Partnership—Dissolution—Winding-up—Extra services of one partner—Contract to pay for.*

L. and H. were partners in a business consisting of two branches, a dry goods branch under the care of H. and a branch

for selling carpets which L. managed. The partnership having been dissolved each partner remained in charge of his own branch in order to wind it up, and in the final distribution L. charged against the firm a sum for commissions on collections and charges of management in his branch.

*Held*, affirming the decision of the Court of Queen's Bench, that there was no express agreement that L. was to be paid for extra services and none could be inferred from the circumstances; that L. when he undertook to wind up the carpet branch must be understood to have undertaken to do it gratuitously; and that he was not entitled to remuneration because the work proved more laborious than he anticipated.

Appeal dismissed with costs.

*Davidson, Q. C.*, for appellant.
*Geoffrion, Q. C.*, for respondent.

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Quebec.] 24 June, 1895.

O'DELL v. GREGORY.

*Appeal—Jurisdiction—Future rights—R. S. C., c. 135, s. 29 (b)—56 Vic., c. 29 (D).*

By R. S. C.,c. 135, s. 29 (b), as amended by 56 Vic., c. 29 (D), an appeal will lie to the Supreme Court of Canada from judgments of the courts of highest resort in the Province of Quebec in cases where the amount in controversy is less than $2,000 if the matter relates to any title to lands or tenements, annual rents and other matters or things where the rights in future might be bound.

*Held*, that the words "other matters or things" mean rights of property analogous to title of lands, etc., which are specifically mentioned, and not personal rights; that "title" means a vested right or title already acquired though the enjoyment may be postponed; and that the right of a married woman to an annuity provided by her marriage contract in case she should become a widow is not a right in future which would authorise an appeal in an action by her husband against her for *séparation de corps* in which, if judgment went against her the right to the annuity would be forfeited.

Appeal quashed with costs.

*Fitzpatrick, Q. C.*, for the motion.
*McCarthy, Q. C., & Lemieux, Q. C.*, contra.

## *MODERN LAW TREATISES: WHAT THEY ARE AND WHAT THEY SHOULD BE.*

As long ago as the reign of Solomon, that erudite monarch sagely remarked that "of making many books there is no end." It may be possible that, even in those days, law books existed, and the number was found burdensome. In the summer of the Roman Empire the mass of statutes, edicts, and treatises of commentators, increased to such an extent, that it was found necessary to practically wipe it all out and begin over again. Many hard-working lawyers of the present day at times wish that it were possible to entirely destroy the multitude of law text-books and reports now in existence and begin anew the jurisprudential process.

This is essentially an Augustan period for law-book making. The courts of last resort of the forty-four States, to say nothing of Canada, are busy, ten months in the year, grinding out material for reports; and the wide-awake lawyer, who proposes to keep abreast of the times, and not permit any loss to his clients because of his own ignorance, finds his shelves of law books increasing to such an extent, that it is almost necessary for him to follow the advice given to professional talkers, and "hire a hall" in which to keep them. The number of law-book publishers has also been steadily becoming larger for many years, and every one of them considers it necessary to publish a text-book on every branch of the law. He passes sleepless nights planning new works for attorneys to buy. It is purely a business with the publisher, and the only inquiry he cares to make is whether the proposed new volume will sell. The country is full of canvassers, and, between text-books, digests and reports, even the successful lawyer finds his income largely diverted to investments in what the world calls "the tools of his profession."

It was Sidney Smith who remarked that every man thinks he can do three things: drive a gig, write an article for a review, and farm a small property. It might truthfully be said that every lawyer of to-day is firmly convinced that one of the things he can do is to write a law book, and, when clients are few and money scarce, the distinguished attorney takes a ream of paper and a lead pencil, pulls down the digests, and forthwith begins the business of authorship. The presses groan, and the volumes that are turned out are as numerous as the leaves that strewed

ssic shades of Vallombrosa.

A survey of the shelves of a modern law library leads to the conclusion that the treatises are divided into three classes. The first is composed of what may be called the "classics of the profession," which receive reverent consideration from nearly every lawyer and student. Among these we number, of course, Blackstone, Kent's Commentaries, Greenleaf on Evidence, Story's Equity, and Washburn's Real Property. The list might with justice be considerably extended, but it is unnecessary to mention more than a few.

The second class consists of the works of what might be termed "one-book authors." Among these come Benjamin on Sales, Drake on Attachment, and a few others not necessary to enumerate. These books are produced by men who felt that they must write to relieve their minds, saturated with the law of one subject. The work was consequently done well as a rule, and the books have been received with favor.

All the remaining books make up the third class; and of these some are good, some bad, and some indifferent. Many are like the little girl, very, very good when they are good, and "horrid" when they are bad.

Law-book writing is at the present time a profession, and several well-known authors have prepared treatises (?) on nearly every branch of the law. Typewriters are prolific. In the old days of the goose quill, or pencil, the work was not done so rapidly; but now, when stenographers and writing machines are at hand, it is not a difficult task to produce a volume in a very short space of time, and without any undue mental exertion.

The authors of these modern lawbooks proceed on many different theories. Probably most of them may not unjustly be termed hack writers, who write so many pages for so much money. They go to their task with an indifference as to the result, provided the work meets with the approval of the employer. We know of at least three law books compiled by a minister of the gospel who had never been admitted to the bar. Then there are those who consider that a law treatise should be merely an improved digest of the various decisions; and, with the material at their command and by dictation, they quickly produce a fine large volume, sometimes containing a great many cases on a great many subjects,—and their productions are not entirely valueless to the working lawyer.

Another class of writers is composed of theorists. These are often learned men, but they know nothing of active practice. They deem it entirely unnecessary to give all the cases, but propose to cover the subject, so far as theories and doctrines are concerned, only supporting their views with sufficient cases to make them plausible. Some of the text-book writers consider that condensation is the greatest merit a book can possess, and their productions read like the utterances of the Delphic oracle, or the proverbs of Solomon. The trouble with using such works is that the lawyer never knows what cases exist taking the opposite views to those advanced by the author. Nor is he able to distinguish between the theories of the author and the opinions of the court. We are far from saying that the volumes thus produced are without value, or that the working lawyer does not find them useful. We believe, however, that most busy attorneys in active practice will say that the difficulty they encounter lies in being able to determine whether or not to rely upon the statements of the author. The practitioner who has a large library, or who has access to one, is able, with the digests and text-books, to look up the cases and satisfy himself as to the correctness of the doctrines laid down by the author; but where he is unable to procure other helps than the text-books, he is often adrift in a boat without a rudder.

The customers of law-book publishers are also divided into three classes. One is made up of law students at the various multitudinous law schools, who purchase, so to speak, by the wholesale. A text-book is adopted by a large and prosperous school, and every fall the students are advised to provide themselves with a copy. This is profitable to the publisher. He sells books as the good seed produced fruit, by the dozen, by the score, and even by the hundred.

Another class of purchasers consists of the country or city lawyers who have large libraries, who are prosperous, and who purchase a book whenever they have a case involving the questions therein discussed, so that they may learn the latest law on the subject, and get light from those who are supposed to have studied the questions likely to arise. But by far the largest number of law-book purchasers are those who have small libraries, or none. They take a text-book as law and gospel, and whatever they find therein reported they accept without question. Sometimes they discover their mistake to their sorrow, and also, possibly, to the loss of their clients.

That the existing law treatises have grave faults is undoubtedly true. Perhaps the most common defect is the hasty manner in which they have been written. We were told not long ago by a prominent lawyer, that he watched with interest the process of evolution of one of the latest text-books. The writer simply provided himself with all the other books that had been written on the subject, called in a stenographer, dictated the text in his own language, and copied in the citations from one of the oldest publications on the same subject. In this volume no cases later than from six to ten years before the time of writing were cited, and the author did not trouble himself to examine authorities or consult opinions. Having occasion, not long ago, to examine one of the latest text-books in regard to a point involved in a legal proceeding, we were unable to find any cases whatever therein cited bearing on the question. Upon running over the digests, however, we found no less than twelve, none of which were cited in this modern production. It follows that the great trouble with the modern text-books is that they are superficial. How can they be otherwise when they are machine-made? Proper investigation and thought have not been given to the subject, but the head-notes of cases, references and digests are taken as true; and, so long as the book has the appearance of giving a great many cases, and stating the law with the proper attractions of catch-words and typographical embellishments, the author and publisher are both satisfied. We doubt not that if some book-worm would take any of the modern treatises and subject them to thorough and careful analysis and investigation, he would find, as the practitioner often does, that many cases are omitted and the principles wrongly stated.

Another fault with the modern text-books, as the natural consequence of their mode of preparation, is inaccuracy. The doctrines of law are so complicated and so dependent upon other principles, and the facts of different cases vary to such an extent, that it requires careful thought to determine what principles really govern, and how they can be accurately stated. The law-book writer, hastily reading some supposed leading cases, and, perhaps, failing to discover some other one where the subject has been more carefully considered, is unable to lay down the law precisely as it is.

It is, of course, easier to find fault than it is to do the work; and we would not have any one suppose that we are insensible to

the labor that has been spent, often most conscientiously, in the preparation of law books. A great many of the modern treatises are thorough in their citations, and if the lawyer is not too busy to verify the citations or discover pertinent passages by thoroughly reading the book, he will have before him pretty nearly all the cases which bear on the subject he has in hand.

We wish, however, it were possible for an ideal law treatise to be prepared, at least on each of the leading subjects, which would meet more nearly the requirements of the profession. We are aware of the fact that law-book writing is most laborious, and makes the most exacting demands upon the person who, from necessity or choice, engages in the work, and then at the end the reward is small. Nevertheless, we believe that the writer who conscientiously desires to benefit the profession and to give them the greatest assistance, will in his work comply with the following requirements, which an ideal law treatise should possess:

Such work must, of all things, be accurate and thorough. It is absurd, as every practising lawyer knows, for an author to suppose that any lawyer can omit any cases from his book as unimportant; nor can he fail to mention any principle laid down by any court as too trivial or unimportant. We doubt if two cases ever existed where the facts were precisely the same; and, while certain principles may be true in the abstract, a different state of facts may render them inapplicable.

It follows that no case must be omitted from any text-book that aims to give all of the law relating to a given subject. So far as the method of citation goes, we believe that the principles should be laid down as nearly as possible in the language of the opinion of the court, and, if necessary, verified by extracts from other supporting cases, so that the reasons for conclusions arrived at may fully appear. In law, as in nearly everything else, it is necessary to give reasons for conclusions, and to show logically that the conclusions are justified by the premises. In citing the cases in the notes, of course those considered less important should be given last, and the author should distinguish between the decisions that have been generally followed and those that seem rather individual in their conclusions. The law text-book, more than any other, should be analytical. The style of the treatise should be lucid, so that no doubt may arise as to the exact meaning of the rule stated nor the exact reasons for the conclu-

sions arrived at. There must be no suspicion of ambiguity or uncertainty.

Such a law treatise requires a prodigious amount of labor. Before engaging in it, the author should be satisfied that he has a peculiar fitness for the work in hand, and must in fact be well adapted by temperament and habits for impartial, thorough, and exact investigation. Such a task requires a long period of preparation—even the studies of twenty years. The subject must be all gone over time and time again, and, before any work is done in actual text-writing, the author should have carefully prepared a thorough analysis of the subject in all its phases and in all its forms, following out all its ramifications. His work will be like the steel framework of a great structure, which stands massive, and strong, and complete, before the outside wall is built or the interior furnishings prepared. When the writer has thus prepared his analysis, saturated himself with the subject until he can think of nothing else; when he has on his mind a clear, though possibly general, idea of all that the question involves, he should begin the work of writing the text, being first perfectly clear in his own mind as to what he wants to say and how he proposes to say it. He should present, as we have said, the reasons, as well as the principles, and should make sure that no cases are omitted in his consideration of the matter.

Two other important requirements must also be observed. The first is an artistic and orderly arrangement of the text into chapters, sections and paragraphs, so that each branch of the subject will be treated sequentially and at the proper time and place. There should be a concise analysis of each chapter, and the various sections should indicate their contents through bold text catch-words. The index must be most thorough, indicating, without too many cross-references, the contents of the book, so that the reader may find what he is looking for.

These are exacting requirements; but why should not the profession demand of the law-book writer that he be both competent and give sufficient time to the preparation of his work, so that it will be of real value to the practitioner? Law books are intended for the members of the profession, and to save them the labor of individual investigation in each case; their primary object is not, as many suppose, to make money for the writer or wealth for the publishers, although that would be the natural result if

the work was thorough and possessed the desired qualifications of thoroughness and accuracy.

We are still looking for the ideal law treatise.—*F. H. Bacon, St. Louis, in American Law Review.*

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## *THE LATE MR. JUSTICE CROSS.*

Mr. Justice Cross, who retired from the Court of Queen's Bench in 1892, died at Montreal, Oct. 17. Mr. Cross was born in Lanarkshire, Scotland, on the 22nd March, 1821, and came to Montreal with his parents when only a boy of five years. The family, on their arrival in Canada, settled on a farm on the Chateauguay river. The subject of this sketch, who was the youngest son of the family, showed a strong leaning towards literary pursuits, and in his desire for knowledge he was encouraged by his elder brother, who had been educated for the Scottish Bar. In 1837 young Cross left the farm and came to Montreal to study. He entered the Montreal college as a pupil, but after a short while put himself under private tutors. He also entered the office of Mr. John J. Day to study law, and was called to the Bar in 1844, and practised his profession in Montreal for more than thirty years. He was at first a partner with Duncan Fisher, Q. C., and subsequently with Attorney-General Smith, who afterwards became Judge Smith. Mr. Cross enjoyed an extensive and remunerative practice. He was created a Queen's Counsel in 1864. He was appointed one of the judges of the Queen's Bench for the province of Quebec on the 30th of August, 1877, and took his seat the first of the following month at a session of the court held in the city of Quebec. Judge Cross was one of the most careful and painstaking judges on the Bench, and his judicial opinions were always received with marked consideration. Judge Cross always had an aversion to public life, and even in his younger days when he was offered political positions of honor he always declined them. In 1863 he was offered by the then Liberal Government, the position of secretary to the Commission for the Codification of the Laws of Canada; and at a later date the office of Attorney-General in the DeBoucherville administration, but he declined to accept either of these important offices. He, however, suggested and assisted in framing many legislative measures of general utility.

## *GENERAL NOTES.*

ANCIENT BILLS OF EXCHANGE. — The United States Consul-General at Barcelona, in a recent report, mentions the acquisition by a public institution there of seven old bills of exchange, all made payable in Barcelona. The most ancient is dated at Mallorca (Palma) in 1392, and is thought to be the oldest bill of exchange now in existence. The second is dated 1399; the third drawn in Pisa, is also dated 1399; the next two were drawn in Valencia in 1411 and 1530 respectively; the sixth was drawn at Rosellon, in France, in 1445; and the last at Naples in 1535. A translation of the first reads as follows: 'Sir,—In conformity with this first letter, you will pay within the next two months, counting from the date of this, to the woman Sibila, wife of the deceased Mr. Jaime Castello, xvii. libras x. sueldos (about 35*s.*) of Barcelona money, which obtain from the rent of the University of Mallorca, on December 11, the payment of which you will require in due time without fail. Dated at Mallorca, October 26, year 1392.—GUILLEM DE MUNTRU, Administrator of the Mint.' It bears the following indorsement: 'To the Honorable Senor and my *Confrère* Lorenzo Luques, Exchange Merchant of Barcelona.'

SEVERITY OF SENTENCES AT QUARTER SESSIONS.—Mr. Justice Wills, in sentencing a man named Galton to four months' hard labour for larceny, at the Dorchester assizes, said the record put before him of the man's previous sentences was one of the most awful pieces of reading that had ever come to his notice. The man had been five times convicted at quarter sessions of thefts of nothing worth more than 5*s.*, and yet he had been sentenced to penal servitude for terms which would amount to thirty-five years. It would have been impossible for the Court of Assize to pass such punishment, which was perfectly awful. In 1882 he was sentenced to fifteen years' penal servitude for a small theft, and, as there was a portion of the term unexpired, the should communicate with the Home Office to see if it could nod be remitted. He advised the prisoner never to do anything which would again bring him before such a tribunal, which, he supposed if he had come before them, would for his present offence have sent him to penal servitude for the rest of his natural life.