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LEGAL NEWS.

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CURRENT TOPICS AND CASES

The Judicial Committee of the Privy Council has refused the special application for leave to appeal, made by the defendant in the case of *Pelland* v. *Graham*, from the judgment of the Court of Queen's Bench rendered at Montreal on the 19th of May last. We have not yet seen the grounds on which the application was based, but it is probable that the principal reason alleged for asking leave to appeal was the importance of the question involved to the press of the whole country. It will be remembered that the plaintiff claimed, and was allowed, a small sum of damages for the publication of a report of a public meeting in the "Star" newspaper by the defendant, at which meeting one of the speakers made defamatory remarks concerning the plaintiff. The defence was simply, not that the statements were true, but that the report was faithful and accurate, and was published in the public interest. The question whether the publication was in the public interest was submitted to the jury, apparently by common consent of the parties. The jury answered this question by saying that the publication was in the public interest, but judgment went against the defendant on the ground that the publication

of even a true and faithful report in the public interest, of matter affecting the character of a private individual, is not privileged. The Court of Appeal maintained this judgment, but the grounds of the decision were essentially different. The Court unanimously held that the question whether the publication was or was not in the public interest is for the Court and not for the jury, and although both parties had concurred in the present case in leaving the question to the jury, it was declared that this was contrary to law. The Court further decided that the publication, in the case before it, was not in the public interest. Had the Court not taken this view of the case, it would appear from the observations of the learned judge who delivered the judgment of the court, that the judgment would have been reversed, for the opinion was expressed that the plea of good faith and publication of a fair and accurate report in the public interest, that is to say, the plea of the defendant in the case under consideration, is a good plea to an action of damages based on the publication of the proceedings of a public meeting duly convened for a lawful purpose. The main contention of the defendant was therefore sustained, as far as an *obiter dictum* of the judge pronouncing the unanimous judgment of the Court, and to which the other members gave silent assent, could sustain it, and the only point which the appellant could have submitted for decision, if the Privy Council had granted leave to appeal, would have been whether the question of public interest is one for the Court to decide.

The Bar of Montreal has in Mr. J. J. Day, Q.C., a member who was admitted in June, 1834, and whose name has been on the roll for over 62 years. Mr. Day has entered upon his ninety-second year, and while suffering from some of the infirmities incidental to advanced age, still enjoys fair health and the full use of his mental faculties. Mr. Day, however, would have to live five

years longer to reach the age attained by Mr. Isaac Sheffield, of London, England, whose death occurred recently. Mr. Sheffield was admitted as a solicitor in 1824, ten years earlier than the date of Mr. Day's entrance into the profession, and had reached the venerable age of 96 before he died. He was not the oldest member of the profession in London, that honour belonging to Mr. Charles Bischoff, who was admitted prior to 1824. Mr. Sheffield's active connection with the business of his firm had ceased, but his mental faculties were vigorous almost to the last.

The whole country has had a laugh over the "business is business" episode. The subject of secret commissions, however, whether in politics or out of them, is a very serious one, and we would direct the attention of our readers to the remarkable letter written to the *London Times* by Sir Edward Fry, a retired Lord Justice of Appeal, pointing out the various modes in which dishonest profits are made in mercantile transactions. This letter is penned by one who knows whereof he speaks. The evil is palpable and enormous, but it is extremely difficult to devise a remedy that will not prove illusory.

Reference was made in a recent issue to the Right Hon. George Denman, son of Lord Denman (at one time Chief Justice of the Court of Queen's Bench), as one of the three surviving retired judges of the superior courts in England. His death is now announced, and the sole survivors are Lord Field and Sir Edward Fry. The *London Law Journal*, referring to Mr. Denman's decease, says it "would be untrue to say that he was either a great lawyer or a great judge. But his innate refinement, his high culture, and his manliness and strength of character, in conjunction with a real, if not profound, grasp of legal principles, enabled him to reach and maintain both at the Bar and on the Bench, an even level of excellence

which greater lawyers and greater judges have not always consistently preserved. Mr. Denman shone in private, social, and extra-judicial life to the best advantage. He was a chivalrous, true-hearted English gentleman." The deceased judge was one of the eight surviving serjeants-at-law.

The Queen, during her long reign, has witnessed many changes in her judiciary. When Her Majesty ascended the throne Lord Cottenham was Lord Chancellor, and since that time she has had twelve other keepers of the Royal conscience, namely, Lord Lyndhurst, Lord St. Leonards, Lord Cranworth, Lord Chelmsford, Lord Truro, Lord Campbell, Lord Westbury, Lord Cairns, Lord Hatherley, Lord Selborne, Lord Herschell, and Lord Halsbury. When Her Majesty began to reign, Campbell (afterwards Lord Campbell) was attorney general; Lord Abinger was Chief Baron of the Exchequer, and the reports of Meeson and Welsby were only in the second volume. Lord Denman, the death of whose son at a good old age has just been recorded, was Chief Justice of the Queen's Bench. Coleridge, the father of the late Lord Chief Justice of England, was one of the judges. Tindal, a name famous in the reports, was Chief Justice of the Common Pleas. The late Lord Blackburn, Sir George Jessel, Lord Coleridge, and other famous persons were unknown, and even Cockburn then wore a stuff gown.

QUEEN'S BENCH DIVISION.

LONDON, 8 February, 1896.

In re ARTON (31 Law J.)

Extradition—Treaty with France—French and English versions—Crime, Falsification of accounts—'Faux' translated 'forgery'—Extradition Acts, 1870 and 1873.

This was a rule *nisi* calling upon the Home Secretary, the chief metropolitan magistrate, and the French Government to show

cause why a writ of *habeas corpus* should not issue to bring up Emile Arton, committed for extradition, upon the ground that no forgery according to English law had been committed in the falsification of accounts and in the using of falsified accounts imputed to him ; and that he could not, therefore, be committed for '*faux*,' the French equivalent or translation of 'forgery.' Further, that he could not be committed for such falsification (1) because it was not in the order of committal described as committed by Arton as a director or member of a public company, or as clerk or servant, which would be necessary to constitute falsification according to English law ; and (2) that, even if the committal were amended in this respect, such falsification was not an extradition crime within the treaty.

The Attorney-General (*Sir R. C. Webster, Q.C.*), *The Solicitor-General* (*Sir R. B. Finlay, Q.C.*) and *H. Sutton* showed cause.

Charles Mathews in support.

The COURT (LORD RUSSELL, L.C.J., WRIGHT, J., and KENNEDY, J.) held that the crime of falsification of accounts was an extradition crime according to and within both the English and French versions of the treaty—in the English version under the eighteenth head of Art. III., and in the French version under the second head of the same article. It was a crime in respect of which the Government of this country had solemnly engaged (other conditions being fulfilled) to grant extradition. Further, whether regarded as forgery or falsification of accounts, it was a crime within the Extradition Acts, 1870 and 1873. The British and French texts of the treaty were not translations of one another, but different versions which were, however, in substantial agreement. The crime was a crime against the law of both countries, and in substance to be found in each version of the treaty, though under different heads, and the claim for extradition must be given effect to. Rule discharged.

CHANCERY DIVISION.

LONDON, 24 July, 1896.

Before ROMER, J.

In re DOETSCH (31 L. J.)

MATHESON & Co. v. LUDWIG.

Agreement—Foreign law—'Lex loci contractus'—'Lex fori.'

The plaintiffs were creditors of a partnership firm of Sundheim

& Doetsch, who carried on business in Spain; the plaintiffs' claim arising under an agreement between themselves and the partnership executed in London in November, 1893. Doetsch died in 1894 domiciled in England, and having appointed the defendants his executors.

The plaintiffs brought this action, claiming that the surplus of the testator's estate, after satisfying his separate debts, was liable in equity to the joint debts of himself and his partner in respect of the partnership, and claiming administration. The defendants pleaded that the plaintiff's rights under the contract were governed by Spanish law, according to which the plaintiffs were not entitled to have any part of the testator's estate applied in payment of the debt due from the partnership, unless and until the plaintiffs had (as they had not) had recourse to and had exhausted the property of the partnership.

ROMER, J., held that the objection failed. The difference between the laws of the two countries was a difference of procedure only. It was clear that, according to English law, the plaintiffs were entitled to claim against the assets which were being administered in England before proving that the partnership property was exhausted, and the Spanish law did not affect their rights here (*Bullock* v. *Caird*, 44 Law J. Rep. Q. B. 124; L. R. 10 Q. B. 276). The plaintiffs' rights were governed by the law of England, that being the *lex loci contractus*.

TRADES UNIONS AND PICKETING.

A definition as to how far workmen can carry a strike, accompanied by picketing, has been given in the Court of Appeal in the case of *Lyons* v. *Wilkins*. Some workmen (the plaintiff's hands), in the fancy leather trade, went on strike. They afterward not only picketed plaintiff's place but threatened another employer (an outside firm) with whom they had no dispute that if he, the outside firm, dealt with the plaintiff, they, the workmen, would bring out the outside firm's hands and picket the place. The defendants were the secretary and a number of the executive committee of the Amalgamated Society of Fancy Leather Workers. The plaintiffs applied for an injunction in the Divisional Court to restrain the defendants from inducing, or conspiring to induce, persons not to enter into contracts with the plaintiffs, and the court granted the injunction. The defendants took the

case to the Court of Appeal, and submitted that there was no evidence whatever of malicious intention, and that a strike on the part of the workmen being legal, it could not be illegal to induce persons to do a legal act. The respondents pointed to the facts of appellants causing workmen to leave another employer in order to injure respondents, by preventing that employer doing work for them, and those were malicious acts which justified the injunction. The Court of Appeal adopted the respondent's views and rejected the appellants' contention. The appellants were committing an illegal act which might have the effect of ruining the business of the respondents if it was not interfered with by injunction. This trade union had gone far beyond any right which the statute gave them, and what they were doing was calculated and intended to injure the plaintiffs in their business. An injunction was accordingly issued to restrain the defendants, their servants and agents, from watching or besetting the plaintiff's works for the purpose of persuading or otherwise preventing, persons from working for them, or for any purpose except merely to obtain or communicate information, and also from preventing other persons from working for the plaintiffs by withdrawing workmen from the employment of those persons. This decision, therefore, affirms the fact that an employer selling his products to another employer, who happens to have a dispute with his hands, shall not render him liable to be struck against for doing so. Amongst the arguments of the appellants was that, amongst the acts done by the pickets, was one merely to wait about the premises and try to persuade would-be applicants for work to go away. This point as to persuasion was not a sound one, for though when the statute dealing with picketing was going through parliament it was stated that "peaceful persuasion" would be permitted, yet there was no sanction given to this view when the act was actually passed. Picketing, being confined only to the obtaining or giving information, is, therefore, now not of much practical use. For new workers at a place where a dispute is going on soon have all information given them, and can obtain information by using their eyes. A point on the law of evidence, when the case was in the Divisional Court, was whether the statements made by the pickets, employed by the executive committee, might be put in evidence against the defendants. The pickets were employed by the defendants to prevent persons from working for the plaintiffs. That they might do by fair

persuasion, or they might do it by intimidation, which would be wrong. What passed in conversation between persons employed as pickets and others was part of the *res gestæ*, and was admissible in evidence, and the defendants could not be made irresponsible for the acts of the picket they employed. The following cases were referred to: *Temperton* v. *Russell* (1893), 1 Q. B. 715, 9 T. L. R. 393; *Flood* v. *Jackson* (1895), 2 Q. B. 21, 11 T. L. R. 335, and the *Mogul* case.—*T. F. Uttley, in the London Law Magazine.*

EXTRADITION LAW.

By the latest accounts from France, Arton, who was concerned last spring in making leading cases in the English law of extradition, though convicted by the Cour d'Assises of the charges for which he was surrendered, has now got the conviction quashed on grounds alleged to be technical, but probably of some substance; for the French judicial authorities found even more difficulty than our Lord Chief Justice in discovering the exact offence against French law which Arton could be said to have committed.

A charge of larceny within the jurisdiction of the French Republic, preferred at Bow Street on August 1 and 8, illustrates well the difficulty created by different systems of criminal jurisprudence. French and German law permits the trial within the national territory of offences by a subject wherever committed, if such offences constitute a breach of the national criminal law. English law follows, with certain statutory exceptions, the old theory that jurisdiction, especially in criminal matters, is territorial. France and Germany having power to try their own subjects, will not agree to extradite them for offences abroad; and England, in dealing with these States, reciprocally refuses to surrender her subjects to them, although she cannot try them for the offence involved. The Larceny Amendment Bill, now assured of the royal assent, will get rid of this anomaly in cases where Britons receive here goods stolen abroad. But the Briton who thieves in France and Germany will still be free from prosecution if he can get here; and in the case before Mr. Lushington the anomaly goes a little further. The man accused is a German by birth, but before the date of his alleged offences in France had been naturalised as a British subject, thereby relieving him, if

guilty (an assumption we neither make nor suggest), from the penalties of the laws of the lands of his birth, adoption, and offending. The present state of the treaties and our law makes England a sort of asylum for the astuter criminal.—*The Law Journal* (*London*).

IMMUNITY OF JUDGES.

In the House of Lords (August 10), the Earl of Stamford asked whether the attention of Her Majesty's Government had been called to the case of *Anderson* v. *Gorrie et al.*, the defendants being judges of the colony of Trinidad, tried in London in May, 1894, before the late Lord Chief Justice and a special jury, when, notwithstanding that the jury found a verdict in express terms that one of the defendants oppressively and with malice overstrained his judicial powers to the prejudice of the plaintiff and the wilful perversion of justice, and found a verdict for the plaintiff for 500*l.*, the Lord Chief Justice directed judgment to be entered for the defendant on the ground that such an action did not lie against a judge, which judgment has been upheld by the Court of Appeal; and whether the Government was prepared to initiate or support legislation with a view to rectifying or declaring the present state of the law upon the points involved in these judgments.

The Lord Chancellor said no one could complain of the noble lord in bringing forward the question or of the kindly and judicial spirit in which it had been treated. He had some difficulty in answering the specific matter of the question, for the reason that the decision of the Court of Appeal was still open to appeal to that House, and he therefore did not want to express an opinion judicially upon it. But, speaking generally, an action did not lie against a judge at the instance of a suitor who thought himself injured by the judgment of the judge. The immunity of the judges from such actions was of great importance in the interest of justice. For centuries judges had been appointed in this country against whom no imputation could be made, and their high character was due in a great measure to their independence, not only of plaintiff and defendant, but their independence of the Government also. There was no pecuniary remedy for a suitor against a judge, but any judge could be removed from his office by an address from both Houses of Parliament.

THE EXTRADITION DIFFICULTY.

The possibility and probability of the extradition to the United Kingdom of Tynan and his supposed accomplices arrested in Holland has continued to be the subject of much discussion in its diplomatic, political and legal aspects. There is, we fear, no possibility that, under the treaties, any of the accused will be extradited. The charges of dealing with explosives apply equally to Tynan and Hall and Kearney. At present there is no distinct allegation that these three men have done anything within British territory which is an offence against the Explosives Act of 1883, but merely that they were co-conspirators with Bell, arrested in Scotland. Nor is there yet any information as to an overt act by Bell within the jurisdiction. So far as yet appears, none of the accused is a British subject; consequently their acts outside our territory do not create any criminal liability within it. But there remains the question whether they have sent letters or explosives into British territory under such circumstances as to bring them within the scope of the much doubted decision in accordance with which a German was extradited as a fugitive offender for obtaining money by false pretences by letters written in England and posted to Germany. It is hardly consistent even with continental views of criminal jurisdiction to surrender to a foreign State persons not subjects of that State in respect of acts done outside its territory. In such a case the proper course would be to prosecute them in the State in which the acts are done if they are criminal there. If they are not prosecuted there, by all rules of extradition practice they would not be liable in any event to be surrendered. In the case of the men arrested in Rotterdam, their offence, if any, would seem to have been committed in Belgium, and surrender by Holland, if made at all, would be to Belgium, the proper forum for their trial. And even assuming that any act has been done in British territory, we do not see how the accused fall within the treaties. Those with Belgium, France, and Holland all deal with murder or attempt to murder; but there is nothing at present from which more than conspiracy or incitement to murder could by any means be inferred, and we have grave doubts whether these forms of offence fall within the treaties. The treaties with Belgium and France include malicious injury to property where the offence is indictable, but

not the attempt or conspiracy to commit this offence; and though the treaties apply to accessories (*complices*) as well as principals (*auteurs*), this provision appears to apply to the complete offence, and not to attempts to commit it. These considerations exclude, in our opinion, the possibility of surrender under the treaties for any dealings with explosives, with whatever intent—a view which the advisers of the Government seem to share.

The charge against Tynan of complicity in the Phœnix Park murders stands on a different footing. At the date of the murders he was a British subject and in Dublin, and the grand jury have returned a true bill against him as one of the murderers. Even before the bill was found he had left Ireland, and he has become a citizen of the United States, and his surrender from the States has, we believe, been refused on the ground that the murder was a political offence. The fact that he is an American citizen is not, *per se*, any ground for refusal by France of his surrender. French subjects are not extradited to England, but there is good reason for saying that the United States will raise no objection on the ground of nationality to his surrender. In the case of Dr. Herz, also an American citizen, France did not hesitate to demand, nor did the United States oppose his surrender; and in England the nationality of the fugitive is immaterial for extradition purposes except in the few cases—*e. g.*, France and Germany—where a foreign State will not extradite its own citizens. Neither under the Ashburton Treaty nor that now in force with the United States is nationality a bar to surrender. But two obstacles remain, one of French criminal procedure, the other the question whether the Phœnix Park murders were a political crime. Art. 637 of the French Criminal Procedure Code limits the right to prosecute for crime to a period of ten years from its commission or the last act *d'instruction criminelle ou de poursuite*. Beyond application to the United States and issue of warrants on the indictment found, nothing has been or could have been done since 1882 in the case of Tynan, the procedure by outlawry being practically obsolete and not having been applied, although resort to this procedure might have resulted, or might even now result, in a judgment corresponding to the French *conviction par contumace*. The treaty with France definitely provides that a fugitive offender is not to be surrendered if prescription has been acquired in respect of

the offence by the law of the country from which his extradition is sought. This being so, it is difficult to see how *under the treaty* Tynan can be extradited. Even were this obstacle overcome, the United States, having refused to extradite Tynan on the ground that his offence was political, would probably use their good offices on his behalf as their citizen to get the French Government to take the same view of the offence. So far as the English reading of the treaty is concerned, the cases of Castioni, François, and Meunier are all against the theory that murder committed with the objects avowed by the Invincibles falls within the category of political crime, and the present relations of France and Russia render it difficult for the former to adopt such a doctrine. The difficulties involved in the definition of political crime will probably lead the French authorities either to expel Tynan or to refuse his surrender on the ground of prescription, without attempting to deal with the political aspect of his supposed offence.—*Law Journal* (*London*).

SECRET COMMISSIONS IN TRADE.

Ex-Lord Justice Fry, in his letter to the *Times*, referred to elsewhere, writes:—

The observations made by the Lord Chief Justice in a case a few weeks ago called attention to the evils which flow from secret commissions so often claimed and paid in commercial transactions. I want to ask your leave to make a few observations on this and kindred subjects.

If one inquires whether the morality exercised in the conduct of business in this country is satisfactory or not, and answers this question from the sources of information open to the public, I fear that the answer must be in the negative.

Let me enumerate some well-known facts:—

1. Over-insurance of vessels. We know the efforts which have been made to check this evil, but he would, I fear, be a sanguine and credulous man who believed that the evil had disappeared, and, when one considers how nearly this sin approaches to the crime of murder, this consideration is startling.

2. The bad and lazy work too often done by those in receipt of wages—who give not their best, but as good as they think fit.

3. The adulteration of articles of consumption—to check which a whole army of inspectors and analysts has been called into ex-

istence and has to be maintained, and yet much probably remains to be wished for in this respect.

4. The ingenuity exercised in the infringement of trade-marks and the perpetual strain exhibited by rival traders by some device or the other to get the benefit of the reputation or name of some other maker or firm.

5. A whole class of frauds exists in the manufacture of goods by which a thing is made to appear heavier or thicker or better in some way or the other than it really is. In these cases the first purchaser from the maker is often as fully cognisant of the truth as the maker himself, and the deceit is designed to operate upon the ignorant ultimate purchaser.

6. Lastly, but not least, bribery in one form or the other riddles and makes hollow and unsound a great deal of business, including transactions in which the professions of engineers and architects are interested. Sometimes the bribery is effected by the payment of a single sum, more often under the name of a commission or by way of percentage; sometimes pickings are secured under the form of a royalty on a worthless patent or stipulations as to the firms from which articles are to be obtained for use in the work to be done.

These practices are a disgrace to our civilisation; they are specially disgraceful in an age which prides itself on its recognition of that social tie between man and man which every one of these practices tends to break or loosen.

To what extent our country is worse than other countries; to what extent this age is worse than those which have gone before; to what extent these practices stand in the way of the prosperity of our trade, I am not concerned to inquire. It is enough that they exist. Though I should be very sorry to recommend honesty on the ground that it is the best policy, I still hold it to be true.

Is it not possible that the great professions of engineers and architects may bestir themselves and consider whether something cannot be done to check practices which the honourable members of their callings admit and deplore? Is it too much to hope that the great body of honest and straightforward manufacturers and traders who find themselves hampered and vexed by the dishonest practices of those around them can pluck up heart of grace to expose and put down what I know harasses them from day to day?

AUTOMATIC GAS METERS.

On April 13, Frederick Newton, of Victoria Dock Road, Custom House, appeared at the West Ham Police Court, to an adjourned summons, obtained by the Gas Light and Coke Company, for 1*l.* 2*s.* 7*d.*, the price of gas supplied to him at his premises.—Mr. R. Humphreys appeared for the Gas Company, and Mr. Frederick George for the defendant.—The case, which was first heard a fortnight ago, and was adjourned in order that the magistrate might consider the various points raised, presented a number of points of interest to gas consumers who are supplied with gas by means of an automatic gas meter, which, by putting a penny in the slot, allows 25 cubic feet of gas to pass through the meter. In this case the automatic gas meter went wrong, and the company charged for gas which the meter showed had passed through it, deducting, however, the various pennies that had been put in the slot.

Mr. Baggallay, in giving his decision, said that in February, 1895, the defendant entered into a contract with the Gas Company by which he agreed to pay 2*s.* 10*d.*, the current price per 1,000 cubic feet for gas, as registered by the meter supplied by the company, and also to pay 6*d.* per 1,000 feet as rent for the use of fittings, including a cooking stove and pendants, making a total rate of 3*s.* 4*d.* per 1,000 feet. Attached to the meter, as supplied by the company, was 'a piece of machinery' which, 'while it worked correctly,' prevented any gas passing from the company's main into the meter unless the consumer paid in advance for the gas by putting pennies into a slot, the effect of which was that for each penny put in 25 feet of gas were allowed to pass into the meter. For several months all worked well, and the number of pennies found in the machine by the inspector on his periodical calls corresponded with the gas consumed as indicated by the meter. In October it was discovered that the valve in the attachment had failed to limit the supply to 25 feet per penny, only 8*s.* 10*d.* being found in the machine, while the meter indicated that 1*l.* worth of gas had passed through the meter. This deficiency was further increased during the first fortnight in November, only 4*d.* being found in the money-box, instead of 11*s.* 9*d.*, which, as recorded by the meter, should be there. The meter, apart from the 'penny-in-the-slot' attachment, was tested, and proved to be in perfect working order. It was clear, there-

fore, that the defendant had consumed 1*l.* 2*s.* 7*d.* worth of gas more than he had paid for, and for this amount he was summoned. On his behalf it was contended that the company was responsible for the accurate working of the attachment, and that if more than 25 feet per penny were allowed to pass through into the meter the consumer ought not to pay for the excess. He could not accept that view. There might, perhaps, have been some force in it if there had been no special agreement in the case. The defendant, however, contracted to pay for the gas supplied as registered by the meter, and there was nothing in the agreement which limited the liability of the consumer to the pennies which he put into the slot. Another point urged on behalf of the defendant was that the Act gives no power to the company to sue in the Police Court except for the price of gas supplied. The words of section 23 of the Gas Works Clauses Act, 1871, are: 'In case any person who should have been supplied with gas shall neglect or refuse to pay the amount due in respect of such supply,' the company may take proceedings before the magistrate to recover the amount; and by other sections in the Act it appears that the company is authorised to charge a rent or rate in addition to the price of gas for the use of fittings such as are ordinarily required by a consumer. I am therefore of opinion that the company is entitled to recover in this Court for the amount claimed, and I give judgment against the defendant for 1*l.* 2*s.* 7*d.*, the amount claimed, and 12*s.* costs. The order is for payment of the money, or, in default, distress.

GENERAL NOTES.

ALIMONY CLAIMED BY HUSBAND.—The new woman has long since been admitted to the bar in most of the States. The married woman's statutes have emancipated her from the disabilities of coverture as to her property rights, and the policy of these statutes practically emancipates her person from the control of her husband. She now sues for the seduction of her husband, as freely as the husband for her seduction. The bicycle has completed what the legislatures and courts have left undone, by clothing her in the manly costume, and exhibiting her to the world in the character for which she has long pined—as a two-

legged animal. But it has remained for Judge Gibbons, of the Circuit Court of Cook County, Illinois, to teach her that with the benefits of manhood, she must accept the burdens which accompany it. The learned and progressive judge holds that where she files a bill for divorce against her husband, and has money in her trousers pockets and he has none, she must allow him temporary alimony until the final hearing, and furnish him funds for counsel fees. The opinion is a learned one, and is reported in the May number of the *Chicago Law Journal*. We see the court winking its left eye as it closes its opinion with the maxim that "What is sauce for the goose is sauce for the gander."—*Va. Law Register.*

SUICIDE AND LIFE ASSURANCE.—An American judge has ruled that there is in every policy of life assurance an implied warranty on the part of the person taking out the policy that the assured will not terminate his own life (*Ritter* v. *The Mutual Life Assurance Company*). His view is that the premiums of the office are calculated on the course of ordinary events—of lives running out to their natural termination—that the assured knew it and contracted on the basis of that common understanding. For some pessimists, no doubt, of the Schopenhauer type who are tired of life a policy for a handsome sum and suicide to follow presents a very eligible mode of making provision for a family; but surely life assurance companies reckon with this morbid residuum in their tables of mortality, or ought to do. The sounder method of dealing with the matter is not to postulate an implied warranty—implied contracts are always dangerous—but to rely on the legal doctrine that a man cannot benefit by his own felony. Suicide, if wilful, is *felo de se*, and in English law disentitles the assured to benefit by his own criminal act—that is, disentitles him, or rather his estate, to the policy moneys (*Cleaver* v. *The Mutual Reserve Fund*). The doctrine has this advantage, too, that, involving as it does a personal disability only of the wrongdoer, it does not prejudice persons claiming through him *bona fide* and for value.—*Law Journal* (*London*).