

EDITORIAL ITEMS.

The case of *McDougall v. Campbell*, 6 U. C. R. 502, has settled an important principle of law; and we think the decision in every way satisfactory. The short point in the case was this: the plaintiff being about to advance a sum of money on the mortgage of an estate, upon which the defendant had a prior mortgage, the defendant agreed to postpone his mortgage to the plaintiff's. The agreement was in writing, but the plaintiff omitted to register it. The defendant afterwards assigned his mortgage for value to an assignee, without notice of the agreement with the plaintiff, and consequently the plaintiff lost his priority. The question to be determined was whether the defendant, under those circumstances, was bound to indemnify the plaintiff or not. The Supreme Court, affirming the Court of Appeal for Ontario, held that he was. Strong, J., dissented, on the ground that the defendant was not bound to disclose to his assignee the agreement to postpone, and that the plaintiff had lost his priority through his own fault and by the operation of the Registry Law, for which the defendant was not responsible. It is, however, satisfactory in the interest of fair and honest dealing, that the majority of the Court felt able to discard this line of reasoning, and conform to the principle that a man cannot derogate from his own contract to the prejudice of another, even by keeping silence, when in common justice he ought to speak.

THE recent Masonic Lottery, in which, according to the manager thereof, as reported in the daily papers, was "consummated the grand act of the Masonic Temple's history," makes us feel a lively hope that the proper authorities will take measures to prevent the consummation of similar "grand acts" for the future. The recent lottery was a comparatively small affair, but it is the thin edge of the wedge, and the taste for such easy roads to wealth, like more legitimate forms of ambition, "grows by what it feeds on." Nothing can be more demoralizing to the people than

such public lotteries and the long list of lucky numbers, which appeared a few days ago in our daily papers, reminds one unpleasantly of what may be seen almost any day in the week in the morning papers in Spanish countries. The demoralization of the Spanish people may be attributed, to a great degree, at all events, to their passion for lotteries and other kinds of gambling; and if the recent Masonic Lottery was not illegal under Imp. 12 Geo. II. c. 28, which our Courts have held to be in force in this country (*Cronyn v. Widder*, 16 U. C. R. 356), or under our C. S. C., c. 95, it would be well to remove such a defect in our criminal law.

The first number of the *Law Reports* issued this year contains a full report of the address by the Lord Chancellor, on behalf of himself and the Judges of England, made to Her Majesty on receiving from her hands the key of the building containing the new Law Courts. The peroration of this address is so fine that we make no excuse for reproducing it here for the benefit of those of our readers who do not subscribe to the *Law Reports*, or whose notice it may have escaped. It was not included in the account of the Opening reproduced in our number for February 1st.

The Lord Chancellor concluded thus:—

"It was, indeed, fitting and worthy of your Majesty, that these Royal Courts should be dedicated to their future use by the Sovereign of these realms, whose noblest prerogatives are justice and mercy, and from whom all jurisdiction within the British dominions is derived. Your Majesty's Judges are deeply sensible of their own many shortcomings, and of their need of that assistance which they have constantly received from the Bar of England, and from the other members of the legal profession; but, encouraged by your Majesty's gracious approval, and having before them the examples of a long line of illustrious predecessors, they have endeavoured, and will always endeavour, to fulfil the great duties entrusted to them with fidelity to your Majesty, with zeal for the public service, with firmness, impartiality, in the fear of God,