

LEGAL PROCEDURE—SOME POINTS CONNECTED WITH THE LAW OF LETTERS.

in commercial business at Guildhall. Sir George Honyman is the eldest son of the late Colonel Sir Ord Honyman, Bart., of the Grenadier Guards, and comes of a race of judges. His grandfather and great grandfather were both Lords of Session in Scotland. He himself was a pupil of the present Lord Chief Baron, Sir Fitzroy Kelly, and practised as a pleader before being called to the Bar. He was called in 1849 at the Middle Temple, joined the Home Circuit, and became a Queen's Counsel and Bencher of his Inn in 1866. Four judges in succession have been raised to the Bench from the Home Circuit.

LEGAL PROCEDURE.

Prominent among the Law Bills which have been brought before the House during this Session, is one introduced by Mr. Mowat, which, if it becomes law, is to be cited as "The Administration of Justice Act of 1873." The poet says that "Hope springs eternal in the human breast," and practitioners, after each Session of Parliament, hope, but vainly so, that at last there will be a respite for a few years at least from the nuisance of hunting up new points of practice. They are perpetually craving for *rest* whilst legislators are perpetually poking them up with a long stick of *change*. The utmost extent of change that should be permitted is a cautious gradual permanent reform of admitted grievances, and we believe these are the views of Mr. Mowat. Time will not permit us to discuss the provisions of his Bill, but a cursory glance would seem to shew that it contains some very useful clauses: whilst many of the proposed changes involve principles which commend themselves to a judicious law reformer. The Bill does not pretend to establish a system complete in itself, but is intended only as an approximation to fusion of law and equity. It is possibly unwise to commence that most difficult task without the aid of a combination of talent and experience, such as was to be found in the Commission which was recalled in such an uncereemonious manner. The

act is evidently drawn by a Chancery man, devoid of awe for time-honoured Common Law procedure. Some of the best suggestions contained in it, tending towards fusion, have been already given by a writer in our columns a few months ago; though now, as then, we are not prepared to accede to all the views he there very ably expressed.

SOME POINTS CONNECTED WITH THE LAW OF LETTERS.

The Lord Justice Mellish, in a recent case, *Re the Imperial Land Company of Marseilles, (Limited),* 20 W. R. 690, proceeded to discuss the authorities bearing upon the following very important question, as stated by himself, "when a contract is made by letter, when a person in one part of the country writes a letter to a person in another part of the country proposing to him to make a contract, and either expressly tells him to send his answer by post, or impliedly tells him so by not directing him to send his answer in any other way, not saying that he will call for it or send for it, and by the authority therefore of the person who has sent the offer by letter, an answer is returned by letter accepting that offer, when is that contract made? Is it made at the time when the letter accepting the offer is put into the post, or is it not made until that answer is received?" The conclusion he arrives at is, that both the decided cases and the reason of the thing agree in this, that as soon as the answer of acceptance is written and put into the post both parties are bound and the contract is made.

The Lord Justice however leaves one point uncertain by reason of the case, *The British and American Telegraph Company v. Colson*, L. R. 6 Exch. 108, wherein it is held that the posting of the letter does not constitute a complete contract, if peradventure the letter is not