

## RECENT DECISIONS AND THE CURRENT REPORTS.

we are glad to publish another. We expressed a hope some time since that some one might write a book on the law of dower. We think it might fall into worse hands than those of our industrious and intelligent correspondent.

THE Chancellor recently took occasion to call attention to the fact that it was customary for the press to suppress in their reports the names of attorneys and solicitors against whom proceedings were instituted. He thought that the practice—though it arose from a kind and courteous motive—so far from being any benefit to the profession, had the effect of concealing from public disgrace the small number of the profession who were guilty of acting dishonorably, thereby identifying the comparatively large portion, who in discharging their duties had a due regard for the dignity of the profession with the objectionable minority. We concur in this view of the matter, subject however, to this proviso, that motions for rules nisi, or other preliminary motions, if published at all, should not give the name, but that when rules absolute and orders are made, the proceedings should be reported with all necessary particulars as in ordinary cases.

Lord Justice Christian is an Ishmaelite indeed. Lately he has been falling foul of the Council of Law Reporting in Ireland, and gave notice to the Bar that everything which would be thereafter attributed to him in the pages of the Irish reports, he, by anticipation, disowned and repudiated as spurious and unauthorized. This reminds one of the story told of the judicious Mr. Price, and the Court of Exchequer, at the time it was a close Court. When he began reporting there, one learned baron was heard to ask of a brother—"What does that fellow come here

—taking down what we say—for?" In the long run it has been found advisable for the Judges and the "noble army of reporters" to work in harmony and not at cross-purposes. Moreover, the Lord Justice in writing to the *Times*, making strictures on the observations of the Law Lords who ventured to reverse one of his judgments, is shewing a sort of perverse pluck, much more to be deprecated than commended. It is certainly an unseemly and ill-advised course for the over-ruled Judge of an inferior tribunal to endeavour to set himself right by means of the newspapers. The professional public, to whom he appeals, can well gauge the merits and demerits of occupants of the bench, without the necessity of judges descending into the arena of personal controversy.

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We venture to think that one point decided in *Hutchinson v. Beatty*, 40 U.C.R., 135, has hardly received sufficient consideration. There was a sale of timber by the locatee, and it was stipulated that ten years should be allowed for taking it off. The sale was in 1872, so that the limit of time for the removal had not been reached, and it was really not necessary to decide upon the effect of the time-limit. But the Court did so, and held apparently that the limitation was bad, as the statute did not provide for the forfeiture of the timber in default of removal within a given time. It was said to be impossible, in the absence of express legislation, to decide that the standing timber sold on free grant lands should be removed in one, two, three, or any other given number of years. But, surely, the true view is that the statute has nothing to do with this term of the bargain. The statute gives the right to sell the trees; the manner of sale and the quantity sold depend upon