

# Canada Law Journal.

VOL. XIX.

DECEMBER 1, 1883.

No. 20.

## DIARY FOR DECEMBER.

2. Sun... *Advent Sunday.*  
4. Tues.... County Court sittings for York begin. Armour,  
J., sworn in Q. B. 1877.  
6. Thurs... Rehearing in Chy. begins.  
8. Sat..... Michaelmas Sittings end.  
9. Sun... *2nd Sunday in Advent.*  
11. Tues.... County Court sitt. (except York) begin. Blake,  
V. C., sworn in, 1872.

TORONTO, DEC. 1, 1883.

WE shall, if possible, issue the index for the present volume, and sheet Almanac for 1884, with our next number. Press of matter compels us to hold over some leading articles and other original contributions until the first number of the coming year.

THE case of *Garrett v. Roberts*, decided in the County Court of Northumberland and Durham, seems likely to become a leading case on the question whether a guilty mind is necessary to make an officer under the Election Act liable to the penalty there stated for omitting to perform the obligations specified in the statute. In this case the learned judge of the County Court decided that the officer was liable for the penalty, although he believed at the time he was acting properly. The counsel for the defendant contended that the penalty was in the nature of a punishment. The defendant ought not to be liable unless he intended to do wrong. The case has been carried to the Court of Appeal, but it will nevertheless be useful to give the judgment *in extenso* as we now do in another place.

WE would commend the following effort on the part of a country conveyancer to the

notice of the Attorney-General. If the public can stand this sort of thing of course the legal profession can. The latter think they are entitled to protection as professional men in the same way as every other profession, and to the same extent as the legal fraternity has in almost every other country. But there seems to be a power behind the throne which prevents justice being done in the premises, so far as this country is concerned, and no government seems to be strong enough to "do right and fear not."

The facts in the case we are referred were that a married woman, owner in fee, sold her land, and this is the way the conveyancer drew "the writins."—"The married woman of the first part; the purchaser of the second part; the husband of the third part." After filling up the usual blanks in the form, whereby the party of the first part conveyed to the party of the second part, the deed concludes, "and the party of the third part, husband of the party of the first part, hereby bars his dower in the said lands." There is a beautiful simplicity in this document which perhaps may furnish a suggestion to the association for the establishing of the Torrens System in this country.

## RECENT JUDICIAL APPOINTMENTS.

THE appointment of Mr. Justice Osler to the Court of Appeal to fill the seat created by the late Act, and the elevation of Mr. J. E. Rose, Q.C., to the place thus rendered vacant in the Common Pleas Division, have given general satisfaction to the public, and have been well received by the profession. Mr. Rose is known to be a sound lawyer, quick,