

CORRESPONDENCE.

been brought to the attention of the learned judge by whom those cases were decided.—Ed. C. L. J.]

Recent Decisions—*Hutchinson v. Beatty*,
40 U. C. R. 135.

TORONTO, Nov. 5th, 1877.

TO THE EDITOR OF THE LAW JOURNAL :

SIR,—I humbly conceive that you have not “read aright” the decision of *Hutchinson v. Beatty*, 40 U. C. R. 135, or you would not in your remarks headed “Recent Decisions and the Current Reports,” have said the Court “held apparently that the limitation as to the time for the removal of the timber was bad.” According to my reading of the case, the Court did not so hold, but held that the sale having been made before the issue of letters patent was good as against the patentees, although the timber, by the agreement between the parties, was not to be removed for ten years.

Your obedient servant,

LEX.

[The above letter from an esteemed correspondent is received as we go to press. It speaks for itself. As no one in the profession is more competent to give an opinion on the subject, we shall “take time to consider” until next month—Eps. L. J.]

FLOTSAM AND JETSAM.

The following extract from a British Columbia paper shows those judges “who dwell at home at ease” some of the difficulties under which their brethren in the colonies labour in performing their arduous duties. The English Government, when they appointed Mr. Justice Crease, probably did so because he was a sound lawyer; they may not have thought of any necessity for selecting a man of so much nerve and pluck. Mr.

Crease at one time resided in Toronto, and some of his relations are still in this country. We trust the learned judge has since quite recovered from the effects of the accident which is referred to in the following extract :—

“While Judge Crease was riding over the trail between Sylvester’s Landing to the town of McDame his horse stumbled and fell, the Judge being thrown forward on the pommel of the saddle (Mexican) from which he received very serious injury, which it was feared at one time might be fatal. Notwithstanding the intense suffering resulting from the accident the Judge, with a courage that excited the admiration and amazement of all, proceeded to hold Court while lying on a stretcher, and although physically so helpless that he could not move a muscle, he went through the business of the Court in a manner that showed him in no respect wanting in his wonted mental vigor. The deepest sympathy was manifested by the people of the district for the honorable and learned gentleman. We are glad to learn that on his arrival here last evening Judge Crease was rapidly recovering from the effect of the fall. In coming out from the mines Judge Crease was packed over the trail between Deese Lake and Telegraph Creek, a distance of nearly 100 miles, on a stretcher borne by eight Indians. The situation was a trying one for the honorable Judge. No one who has not been over the trail over which he was carried will be able to form an adequate idea of the nature of the undertaking. The descent to and ascent from the two forks of the Stickeen River was under the circumstances simply terrific. On more than one occasion the stretcher was necessarily in a perpendicular position with the Judge’s head down hill, and had it not been that he was firmly strapped to the stretcher with strong leathern bands it is obvious that the Judge and his couch would oftentimes on the journey have parted company in a rather unceremonious manner. It is worthy of note that notwithstanding his constant suffering the Judge seemed to think more lightly of the dangers of the situation than any other person in the party that accompanied him.”

Some years ago an English gentleman bequeathed to his two daughters their weight in £1 bank-notes. The eldest daughter got £51,200, and the younger £57,344.