from the report of a late case in the Mold County Court.

In the course of the hearing of one of the cases, his Honour suddenly interrupted the proceedings by saying, that the rule in these courts was, that advocates should appear in that costume which is proper to them. He said it was unbecoming for gentlemen belonging to the profession of the law to appear, as did the gentlemen who were conducting the case before him, one in a velveteen coat, and another in a shooting jacket, and hoped the rule would be complied with in future.

The gentleman who unluckily figured in the velveteen coat pleaded ignorance of the rule, and his opponent in the shooting jacket followed suit.

His Honour then said he had been indulgent in these matters for some time, but his indulgence had been taken advantage of, and that he should not have been so exacting, but his attention had been called to the remissness of advocates generally. He must insist more regularly upon the observance. Subsequently his Honour refused an attorney's fee to one of these gentlemen in a case where the defendant had paid the money to the registrar on his way to the court, because he was not habited in a gown.

The following rules of court were then referred to by the Judge as applicable to his County Court Circuit:—

"The registrar of the court will appear in the proper costume of a chief officer of a court of record.

"The high bailiff will wear a gown of office.

"It is expected that every professional gentleman (not of the Bar) who practises in the courts, should, in order to distinguish him from a class of persons who in various instances improperly intrude upon the court, wear the usual professional costume of a black dress with a white neckerchief and a plain gown without bands.

"Should any professional gentleman appear from a foreign district, he will of course be heard, but it will be clearly intimated to him that should he have an occasion to appear again he must accord with the foregoing regulation."

We contend, as we have always done, that the more the dignity and respectability of these Courts are kept up, the better it will be for the public, and for the better observance of laws in general. The third rule refers incidentally to the rights which members of the legal profession may with much justice claim for a more especial recognition in the conduct of suits in Courts, whether of superior or inferior jurisdiction, for which they are necessarily better fitted than those who have received no training or knowledge of the laws, and who have paid a heavy sum (to put it simply upon the footing of a mercantile transaction,) as a license for the rights they should be privileged exclusively to enjoy.

THE PRESIDENT OF COURT OF APPEAL

The Hon. W. H. Draper, C.B., having resigned his seat, as Chief Justice of Upper Canada, has been gazetted President of the Court of Error and Appeal.

It is understood that the Chief Justice of the Common Pleas takes his place.

SELECTIONS.

CONSTRUCTIVE NOTICE.

We take it to be a principle of English law, that the purchaser of an estate is put upon inquiry into the existence of obligations on his part necessarily arising from the nature or situation of property irrespective of actual notice of those obligations. This principle was fully considered and elucidated by Lord Romilly, M.R., in the recent case of *Morland* v. *Cook*, 16 W. R. 777. The case also involves the consideration of the doctrine of *Spencer's case*, 5 Rep. 16, as to covenants running with the land; but our chief object at present is to address ourselves to the consideration of the foregoing principle.

The facts before the Court in *Morland* v. *Cook* stated as follows:—The owners in fee simple, under a deed of partition, of five adjoining estates in Romney Marsh, covenanted with each other upon the partition in 1792, that a sea-wall, which was for the common benefit of all should be maintained and kept in repair at the expense of the owners of the time being of the estates, that the expenses of repairing the sea-wall should be borne ratably, and that the expense of each owner should be a charge on his estate. The lands in question have been reclaimed, and lie several feet below the level of ordinary high-tides; they would, in fact, but for the protection the wall affords, be covered every day by the sea. People who live above the level of high-water mark, as a rule, concern themselves little with the rights and interests of those who live in levels and marshes under the protection of of sea-walls, and are little acquainted with the law of sewers so quaintly dealt with by Callis in his readings on sewers. That author te ls us (p. 114) that there are nine ways whereby the duty of repairing a sea-wall arises—namely, by frontage, ownership, prescription, custom, tenure, covenant, *per usum rei*, assessment of township, and, finally, by the law of sewe .