struct five or six of these witnesses, as there happens to be occasion; by such means, if their adversary cannot produce an equal number to contradict and destroy their evidence, and happens to be ignorant of the custom of the country, he is sure to have a decree given against him. Both these accidents having happened to me, I thought the proceedings highly dishonourable. I therefore made my appearance in the great hall of the Palais at Paris in order to plead my own cause, where I saw the king's lieutenant for civil affairs, seated upon a grand tribunal. This man was tall, corpulent, and had a most austere countenance; on one side he was surrounded by a multitude of people; and on the other with numbers of attorneys and counsellors, all ranged in order upon the right and left; others came one by one, and severally opened their causes before the judge. I observed that the counsellors who stood on one side sometimes all spoke together. To my great surprise this extraordinary magistrate, with the true countenance of a Plato, seemed by his attitude to listen now to one, now to another, and constantly answered with the utmost propriety. As I always took great pleasure in seeing and contemplating the efforts of genius, of what nature soever, this appeared to me so wonderful that I would not have missed seeing it for any consideration."

It will be observed that running a lawsuit on speculation is by no means a modern invention, though I think the successful promoter of this suit must have been a lawyer in disguise. However, we find that the victory was not altogether with the successful party, who, it seems, secured judgment, for he details in a very modest (and considering the age), becoming manner the method he adopted to get the better of the person who claimed the damages, as well as of the person who promoted the suit.

"To return to my suit; I found that when verdicts were given against me, and there was no redress to be expected from the law, I must have resource to a long sword which I had by me, for I was always particular to be provided with good arms. The first that I attacked was the person who commenced that unjust and vexatious suit, and one evening I gave him so many wounds upon the legs and arms, taking care, however, not to kill him, that I deprived him of the use of both his legs.

"I then fell upon the other, who had bought the cause, and treated him in such a manner as quickly caused a stop to be put to the proceedings; for this and every success I returned thanks to the Supreme Being."

It might be supposed from this that actions for assault did not then lie, but it is not unlikely that our hero was befriended by the king.

Benvenuto Cellini some years previously had a difficulty when living in Rome, which resulted in the death of his opponent, and when some friend of the victim demanded his punishment of Clement V., the Pope said: "You do not understand these matters; I must inform you that men who are masters in their profession, like Benvenuto, should not be subject to the laws; but he less than any other, for I am sensible that he was in the right in the whole affair."

The author of *Obiter Dicta* thinks that our ancient friend was as untruthful as Falstaff, but I am glad to find that J. A. Symonds, who has written so much on the subject of Italian Rennaissance, and who must be as capable as any living writer of forming a proper estimate of the characters of the celebrated people of the time, has come to the conclusion that he was on the whole a truthful man.

Yours, AMICUS CURIÆ.

LIMITATION OF ACTIONS.

To the Editor of the LAW JOURNAL:

SIR,—In your last issue I wrote a letter as to the views I entertained in respect to charges upon lands, when the charge itself was aided by a covenant for payment. On a more careful perusal of *Hunter* v. *Nockolds*, I find that this case is not an authority for my view. The case is simply an authority that where a charge is sought to be enforced against lands not in the hands of the grantor of the charge, but six years' arrears of interest can be secured as against the lands. Lord Chancellor Cottenham in his judgment intimated, as an *obiter dictum*, his opinion to be that the result would have been different if the remedy were sought from the grantor, that is if the lands were yet the lands of the grantor, and the reason he gives for this opinion is that cap. 42, 3 & 4 Wm. IV., Imperial Act (in effect cap. 61 R. S. O.,) was passed in the same session, and at a very short interval after 3 & 4 Wm. IV., cap. 27, Imperial Act (in effect 4 Wm. IV., cap. 1 U. C.), and as the first statute permits actions to be brought upon covenants for twenty years after the moneys payable thereunder are due, he thought in order to give effect to both statutes that while the charge against lands was extinguished at the end of six years, still if the plaintiff could invoke a covenant in aid of the debt, he could collect twenty-years' arrears from the grantor. Vice-Chancellor Wigram seemed to think in *Du Vigier* v. *Lee*, 2 Hare 326, that where the charge contained a covenant, the limitation as regards six years' arrears did not apply at all, but *Hunter* v. *Nockolds* overruled this case. The court in *Lewis* v. *Duncombe*, 29 Beav. 175, and *Boyer* v. *Woodman*, L. R. 3 Eq. 313, accepted as law this dictum of Lord Chancellor Cottenham.

In *Sutton* v. *Sutton*, the court refused to recognize *Hunter* v. *Nockolds* as an authority, on the ground that the Imperial Legislature, in passing cap. 57, 57 & 58 Vict., which deals with the limitations of actions as regards charges upon lands and other matters, did not re-enact or refer to cap. 42, 3 & 4 Wm. IV. The court seems to have taken a very common sense ground, that if a charge be extinguished at a certain period a covenant in aid of that charge would be extinguished at the same period, and this very likely would have been the decision of *Hunter* v. *Nockolds* were it not the Lord Chancellor felt himself bound to give some effect to 3 & 4 Wm. IV., cap. 42, section 3. The 37 & 38 Vict. cap. 57, Imperial Act, was very largely enacted in 38 Vict. cap. 16 (cap. 108 R. S. O.), and if *Sutton* v. *Sutton* be held to have been well decided in this Province, and I think it will be eventually so held by our Court of Appeal, then, no doubt, *Allan* v. *McTavish* will be overruled. It may not be amiss to point out that the earliest of our statutes respecting the limitation of charges upon lands is 4 Wm. IV., cap. 1, and the earliest of our statutes respecting limitation of actions upon covenants, etc., is 7 Wm. IV., cap. 3, some three years afterwards, and not as in England, some three weeks after.

Yours, W. H. MCCLIVE.