

LEGAL NOTES.

DIARY FOR MARCH.

- ¶1. Fri... *St. David.*
- ¶3. SUN.. *3rd Sunday in Lent.*
- 6. Wed.. Name of York changed to Toronto, 1834.
- 10. SUN.. *4th Sunday in Lent.*
- 13. Tues.. General Sess. and County Ct. sittings in York.
- 17. SUN.. *Passion Sunday. St. Patrick.*
- 21. Thur . *Benedict.*
- 24. SUN.. *Palm Sunday.*
- 25. Mon.. *Annunciation.*
- 29. Fri... *Good Friday.*
- 31. SUN.. *Easter Sunday.*

THE

Canada Law Journal.

MARCH, 1872.

Subscribers to the *Law Journal* will receive with the present number the Index to the last volume, and a Table of Cases, including not only those reported in full, but also those contained in the Digest of the English Law Reports.

The last feature, now introduced for the first time, will greatly facilitate a reference to the important cases contained in this Digest, which, embracing as it does all the English decisions of more than local interest, has, we are glad to learn, already proved of great service to many of our readers. The Table of Titles contained in this Digest, formerly printed separately, is this year included in the General Index, which, as it has been prepared with unusual care, will, we trust, be found more complete and useful than heretofore.

The proceedings of the Benchers of the Law Society during last Hilary Term, including an abstract of the Balance Sheet for 1871, are published in another place.

The *Goodhue Case* was re-heard before the Court of Appeal, on the 11th instant. Judgment will probably not be given before Sept. next. All the judges were present except the learned Chief Justice of Ontario. Mr. Christopher Robinson, Q.C., who led for the appellants, made a concise, but very masterly argument against the constitutionality of the Act which has given rise to the suits now under adjudication.

It is said that the following Barristers will shortly be gazetted as Queen's Counsel:—Dr. McMichael, Mr. C. S. Patterson, Mr. J. T.

Anderson, Mr. Thomas Moss, and Mr. Samuel H. Blake, of Toronto; Hon. E. B. Wood, of Brantford; and Mr. Proudfoot, of Hamilton.

When speaking with reference to the case of *In re Dodge et al., Insolvents*, decided in the Supreme Court of Nova Scotia, (see pp. 29, 51 *ante*) we omitted to refer to the recent case of *In re Chaffey*, 30 U.C.Q.B. 64 (and see a note of this case in 7 L. C. G. 7); Mr. Justice Wilson in delivering judgment saying, "They (the creditors holding a note made by the firm and endorsed by one of its members) must elect to prove upon one estate or the other. They cannot rank on both. And in our opinion, sec. 5, sub-sec. 7 of the Insolvent Act of 1864, directly favors and directly decides this question." We had intended to refer further to the Nova Scotia Case, but want of space forbids at present.

From statistics published in the English *Law Journal*, it appears the House of Lords heard 49 appeals during 1870, as against 26 heard in 1869. Of the 49, 20 were successful. During the session of 1870, 48 appeals were presented; of which 22 were from the Scotch Court of Session, 3 from Ireland, and, of English cases, 18 from Chancery, 4 from the Exchequer Chamber, and 2 from the Divorce Court. At present there are but 34 causes left in arrear.

Figures are given in the same periodical, which enables one to contrast the state of business before the Judicial Committee of the Privy Council with that before the Lords. 138 appeals were entered during 1870; at the close of the year 336 cases were left unheard, some of which were lodged ten years ago. 61 appeals were determined during the session, of which judgment was affirmed in 28, reversed in 28, and varied in four. It is to be hoped that the reconstruction of this Council and the appointment of salaried judges will lead to greater expedition and to the clearing away of all arrearages before many years elapse.

A decision of interest to dwellers in cities was recently pronounced by the New York Court of Appeals, in *Barker v. Savage*, with regard to the respective right of foot-passengers and vehicles at street-crossings. It was held that each has the right of passage in common and neither the right of precedence;