

was by defendant's orders taken into custody and ejected from the court. Having subsequently refused to apologize, the defendant refused him audience.

The defendant set up a plea of "not guilty by statute," the plaintiff demurred to the defence, and the demurrer was overruled; the judge who overruled it then insisted, in spite of the plaintiff's protests, on the action being brought on for trial within three days, which practically prevented him getting ready for trial, and precluded any possibility of the action being tried on the merits. On the action being called on for trial, the cause not having been entered nor any notice of trial given, the judge who made the order tried the case and gave judgment for the defendant. The full court of three judges was subsequently applied to, but refused to give the plaintiff any relief, and refused leave to appeal to the Privy Council. The latter tribunal, however, not only granted leave to appeal, but set aside the judgment and made the respondent pay the costs. It is a great pity that the judges who were responsible could not also have been ordered to pay the costs of what appears to have been throughout a very high-handed attempt to deny a suitor justice. After all, judges are only human. Occasionally they lose their heads, and (of course unconsciously) drag in the blind goddess to prevent supposed danger to their craft.

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AN attempt was made in *Attorney-General v. The Niagara Falls Wesley Park & C.T. Co.*, 18 Ont. App. 453, to restrain by injunction a tramway company from operating its road on Sunday. The company was incorporated under R.S.O., c. 171, with authority to build and operate (on all days except Sundays) a street railway in the town of Niagara Falls. The Court of Appeal held that the action could not be maintained, MacLennan, J.A., dissenting. The interference of the court appears to have been sought principally on the ground that the act of the company, besides being unauthorized by their charter, was also a violation of the Lord's Day Act. The relator being a Methodist minister, Burton, J.A., took occasion to observe: "Human nature does not seem to have changed much in 1800 years, but it is really painful to find in this nineteenth century any one, and especially a person assuming to be a teacher of religion, grudging the enjoyment of a number of poor people and their families, who avail themselves of perhaps the only day open to them, to visit and enjoy one of Nature's grandest works, because in order to do so they have to travel a few miles by train or other vehicle. It would seem almost incredible had we not the witness's admission in his evidence." This is pretty hard on the reverend relator, and he has some reason to quarrel with its justice, seeing that the diversions which the learned judge considers so innocent and laudable are plainly intended to be made unlawful acts by the Lord's Day Act (R.S.O., c. 203), a measure for which the whole community is responsible, and which must be taken to express the sense of the majority of the people of this Province so long as it remains unrepealed on the statute-book.

As a matter of law, there are not a few who will agree, as we do, with the views expressed by Mr. Justice MacLennan, who alone of the judges of his court