The Queen v. *The School Trustees of Tyendinaga.*—Attachment ordered against Gillespie, one of trustees; and rule discharged as to remaining trustees upon payment of costs.

Ellis v. *The Ottawa and Prescott Railway Company and Bell.*—Rule absolute to stay all proceedings on the order for commitment, on payment of plaintiff's costs incident to the appointment, but not of application, &c.

The Queen v. *Great Western Railway Company.*—Judgment to abate nuisance and pay a fine of £20.

Scott v. *Carveth.*—Application refused, without costs.

Rutledge v. *Richardson.*—Rule absolute for new trial upon payment of costs.

Torpy v. *The Grand Trunk Railway Company.*—Judgment for plaintiff on demurrer. Rule *nisi* discharged

Great Western Railway Company v. *The Corporation of the Town of Dundas.*—Rule discharged.

Thomas v. *Wilson et al.*—Rule discharged.

COMMON PLEAS.

Present: DRAPER, C. J.; RICHARDS, J.; HAGARTY, J.

March 4, 1861.

Grant g. t. v. *McFadden.*—Rule discharged.

Wilson v. *West.*—Rule discharged, upon plaintiff amending and paying costs within a month; otherwise new trial without costs.

Harris v. *Jennings.*—Rule absolute on payment of costs.

Lundy v. *Malony.*—Rule discharged.

Hamilton v. *Holcombe.*—Rule absolute.

McKay v. *Tate.*—Rule discharged.

Blevins v. *Madden.*—Rule absolute for defendant on first count; and judgment for plaintiff on demurrer to first and second counts.

Bank v. *Livars.*—Judgment for plaintiff.

Mitchell v. *City of Toronto.*—Rule discharged with costs.

Barragan v. *Sherwood.*—Rule for new trial without costs.

In re Lount, Registrar.—Rule disharged without costs.

Taylor v. *Lamb.*—Rule discharged.

Lake v. *Biggar.*—Appeal dismissed.

Rathbourn v. *McGreery.*—Appeal allowed. Nonsuit to be entered in court below.

Smith v. *The Corporation of the City of Toronto.*—Judgment for defendants on demurrer.

Richardson and wife v. *Trinder.*—Rule discharged.

Benedict v. *Rutherford.*—Rule absolute for a non-suit.

Fraser v. *Gladstone.*—Rule discharged.

Jaffray v. *Henderson.*—Rule absolute for a new trial. Costs to abide the event.

March 9, 1861.

Hennesey v. *Weir.*—Rule absolute to reduce verdict.

VanEvery v. *Ross.*—Rule for new trial upon payment of costs in four weeks; otherwise discharged.

City of Glasgow Bank v. *Murdock.*—Judgment for plaintiff on demurrer, with leave to apply to amend within a fortnight.

Chisholm v. *Porter.*—Before ships are registered, property may be transferred as in any other chattels. Postea to plaintiff.

Foster v. *Smith.*—Appeal dismissed with costs.

Ross v. *Elliot.*—Appeal dismissed with costs.

McDonald v. *McBeth.*—Appeal dismissed with costs.

Dickson v. *Pinch.*—*Held*, that when a party to a suit is called as a witness by his opponent, he stands on the same footing as any other witness, and that his cross-examination is not to be restricted to matters as to which he was examined in chief. *Held* also, that where a court sits in the exercise of an appellate jurisdiction, it will not consider itself bound by the decision of a court of co-ordinate jurisdiction, but express its own judgment on the question submitted.

Doane v. *Warren.*—Stands.

INAUGURAL LECTURE,

Delivered at the University of Queen's College, Kingston, C. W., on February 4, 1861, at the Inauguration of the Faculty of Law.

BY W. G. DRAPER, ESQ., M. A.

(*Continued from page 61.*)

The Legislature having now created a Court, next deemed it necessary to create Lawyers to practise in it, and accordingly passed an Act on the same day authorizing the Governor to grant Licenses under his hand and seal to such and so many of his Majesty's liege subjects, not exceeding sixteen in number, as he should deem from their probity, education and condition in life, best qualified to act as Advocates and Attorneys.

The Lawyers however, did not increase in proportion as the litigation did, and this is not to be wondered at since there was not the slightest facility for the study of the Law. Consequently it became necessary in March 1803, for Parliament to authorize the Governor to create a fresh batch, and he accordingly was authorized to license six other persons to practise the profession of the Law, that is to say, six other individuals of the community who from their known integrity and standing, might safely be entrusted with the ticklish task of purveying Law for the million.

This was done solely in consequence of the great dearth of Lawyers who were only increased in number by this means to twenty-two—bearing to the population which then numbered 40,000 about the same relation as Falstaff's penny-worth of bread did to his monstrous quantity of sack. These men were the germ of the legal profession in Canada, and left behind them descendants who followed it up with signal ability and distinction. I have but to mention the names of a few such as McDonnell, Robinson, Hagerman, Sherwood, Powell, and Baldwin, to verify my remarks.

It was in the month of November of this same year (1803) that a direful accident occurred on Lake Ontario, by which Mr. Justice Cochrane, Solicitor General De Grey, and several members of the Bar, perished. They embarked on board the Government Schooner *Speedy*, Paxton, Master, and were all lost in a storm on their way from York to Presqu'ile. This further increased the scarcity of members of the profession, nor was this got over for several years afterwards.

Indeed it was not until the year 1815, that the Bar of Upper Canada obtained any real acquisition in the shape of Lawyers; but from that date it may be said to have increased in numbers and ability. In that year alone there were admitted to the Bar four gentlemen who all distinguished themselves in the profession and rose to eminence. They were Sir John Robinson, Mr. Justice McLean, Mr. Justice Jones and Mr. Justice Hagerman.

The war of 1812 retarded the progress of the profession, as it did that of everything else, and I believe all the above named gentlemen, as well as others who subsequently achieved eminence in our profession, threw aside the gown for the sword, and distinguished themselves as much in the profession of Arms as that of Law. Amongst them was the late lamented Chief Justice Sir James Macaulay.

In those days people in Canada laboured under what would be now esteemed terrible privations. There were no Railroads, no Telegraphs, scarcely means of public communication, no public Colleges, no Universities, and but few Schools, no means of obtaining a liberal education such as Canada is blessed with at the present day, communication with England, or the old country, as it was and is still fondly called, was scanty and uncertain. There were no public libraries in the country, at which the earnest aspirant after legal knowledge might slake his thirst, and it could only have been by the exescise of indomitable perseverance and application that the men above mentioned ever succeeded in attaining their rank —but then *there were giants in those days.*