

# Canada Law Journal.

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## DIARY FOR SEPTEMBER.

17. Tues.....First U.C. Parliament met at Niagara, 1792.  
20. Sun.....16th Sunday after Trinity. Lord Sydenham,  
Governor-General, died, 1841.  
24. Thur.....Guy Carleton, Lieut.-Governor, 1776.  
27. Sun.....17th Sunday after Trinity.  
30. Wed.....Sir Isaac Brock, President, 1811.

TORONTO, SEPTEMBER 15, 1885.

WE learn from the case of *Commonwealth v. Perry*, Massachusetts Supreme Court, March, 1885, that a piggery is an indictable nuisance. The judge instructed the jury that the natural odour of one pig might not be a nuisance, but that from 500 such animals might be, and it was for the jury to say whether this was so or not. The Court, on appeal, affirmed the conviction.

IN these days when small-pox is rampant in one of our cities the case of *Gilbert v. Hoffman*, Supreme Court of Iowa, noted in the *Albany Law Journal*, will be of interest. It was there held that a hotel-keeper who, with the knowledge of the prevalence of small-pox in his hotel, keeps it open for business and permits a person to become a guest without informing him of the disease, will be liable for the communication of the disease to the guest, and the latter will not be chargeable with contributory negligence in not making inquiries as to the truth of a rumour that there was small-pox in the house.

THE *Gazette* announces the resignation of his Honor Judge Boyd, and the appointment in his place of the junior judge of the County of York, Mr. Joseph E.

McDougall. Mr. Boyd has earned his retirement by faithful service for twenty-three years. His successor has proved his fitness for the position he now occupies by the ability he has shown in the subordinate position. A sound lawyer, clear-headed, prompt and courteous, the profession will have great satisfaction in appearing before him in the conduct of cases in the County Court of the metropolitan county of this Province.

OUR namesake in England says, "This week her Majesty's judges are engaged in an operation which recalls what happens in a certain children's game when there is a cry of 'general post.' The illness of one of their number—an event normally imminent—has thrown everyone out. Lord Esher, Master of the Rolls, instead of solving intricate legal problems in the Court of Appeal, is trying prisoners at the Old Bailey; Lord Justice Bowen has turned his hand again to the elements of law at judges' chambers; and Lord Justice Fry's keen aptitude for the niceties of equity is devoted to poor law and the Highway Acts in a Divisional Court." We would recommend the agility of the judges of the English Bench in this old game of "general post" to the attention of some of the ermine-clothed at Osgoode Hall.

THE ingenious audacity which characterizes some cases brought before the Courts is sometimes amusing; an instance of this may be seen in the recent case of *Tottenham v. Swansea Zinc Ore Co.*, 52 L. T. N. S. 738. The defendant company carried on the business of manufacturing zinc and spelter, sulphuric acid and