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DIARY FOR FEBRUARY.

15. Thu.. Rehearing in Chancery begins.
17. Sat... Hilary Sittings end. William Osgoode first C. J. of U. C., died 1824.
18. Sun... *Second Sunday in Lent.* Maritime Court Act came into force, 1878.
20. Tue.. Supreme Court Session begins.
25. Sun... *Third Sunday in Lent.*
27. Tue.. Sir John Colborne, administrator. 1838.
28. Wed.. Indian mutiny began, 1857.

TORONTO, FEB. 15, 1883.

WE recommence in our present number our current review of the cases reported in the *Law Reports*. As before, all decisions except those relating to the provisions of special English Acts, to which our statute books contain no similar enactment, will be noticed as soon as possible after they are issued, and the salient points and dicta of the judgments will be called attention to. Our object in this feature of our Journal, which so far as we know, is to be found in no other English or Canadian publication, is to enable our readers to keep track of the current English decisions in an easier and more effectual manner than can be done by attempting to assimilate a number of indigestible digests and headnotes. It is our intention, also, to resume and continue regularly our short reports of current English Practice Cases, illustrative of our Judicature Act and orders.

THE point which came before our Court of Appeal in *Allan v. McTavish*, 2 App. R. 278, was recently before the English Court of Appeal in *Sutton v. Sutton*, W. N. 1882, 172; and the latter Court, we see, has come to the opposite conclusion to that arrived at by our Court of Appeal. The English Court holding that an action on a covenant contained in a

mortgage of lands is barred, as well as the remedy against the lands, after the lapse of twelve years, by the Impl. Statute 37-38 Vict. c. 57, s. 8, which, except as to the period of limitation, is similar to R. S. O. c. 108, s. 23. In Ontario the Judge of first instance, (Morrison, J.) was of the same opinion as the English Court of Appeal, and was reversed. In England, the Judge of first instance (Chitty, J.), appears to have been of the same opinion as our Court of Appeal, and he was reversed.

WE publish elsewhere an able and important judgment by Judge Clark, holding that a judge has power in a Division Court suit to make an order to strike out a defence and enter judgment for plaintiff without a formal trial of the action. The learned judge will probably find that his decision will involve him in an unexpected amount of labour, though, as he says, the question of inconvenience is a matter of minor consideration. Other judges may not feel called upon, by reason of the great inconvenience that would attend such a practice, if for no other reason, to exercise their discretion under sect. 244 of D. C. Act, to the extent Judge Clark has done; but it is hard to see where his reasoning is at fault. A case is noted in R. & J. Digest, p. 1106, *In re Willing v. Elliott*, where Chief Justice Wilson is said to have held that the sections of the Administration of Justice Act, 1873, authorizing the examination of parties, does not apply to Division Courts; we can find no report of the case however. We are under the impression that it came up as an appeal from a judgment of Judge Toms. Perhaps some of our readers could furnish a report of the case.