delivered by a judge perhaps of quite as high standing as the speaker is too absurd even for argument, or that such and such a statement is contrary to the first principles of law, or impossible to be sustained on any ground, whatever, &c.

When the Bench "pitches into" each other in this internecine manner, each accepting the chastisement, by the way, in apparently the most amiable and unconcerned manner, hoping, we presume, to take it out of some one else in the same fashion, on the first opportunity, it could not be expected that the Bar would escape. An amusing example of this may be seen in *Hunter* v. *Walters*, 25 L. T., N.S., 769, where Lord Justice James says:—"This case appears to have been argued upon five days before the Vice-Chancellor; it has occupied the whole of one day and a great part of another day before us. I am, however, of opinion that it is one of the simplest and plainest cases that was ever presented to a Court of Equity."—We may mention, *en passant*, that the Vice-Chancellor was Malins, V. C., and, strange to say, his decision was upheld; and we say strange, because the Lords Justices would seem to think it their principal mission, in a general way, to reverse his decisions; probably the appellant thought, under these circumstances, that the chances of success were in his favor, and so thought he would risk the appeal. Lord Justice James, who seems to have been in rather an amiable frame of mind on this occasion, continues:—"To my mind it is almost ludicrous to contend, and it would be most dangerous to hold, that, &c.," and then waxing very severe, he winds up thus—"It appears to me that the proper place for such an argument as that would be in some new satirical work—some new Martinus Scriblerus, or Gulliver's Brobdignag, ridiculing, by clever exaggeration, the doctrines of the Court of Equity with respect to constructive notice." We might refer also to the remarks of the Chancellor, *post* p. 110. But now leaving the topics we have above briefly referred to, and turning to the question of constructive notice in connection with these observations of the learned Lord Justice, while we are quite willing that he should pour out the vials of his wrath on the learned and devoted head of the eminent Q. C. who led for the appellants, we must protest against the idea that any "clever exaggeration" of the doctrine of constructive notice could be considered as too tough for the stomach of a Court of Equity to digest.

JUDICIAL APPOINTMENTS.

The appointment of Sir Robert Collier to a vacant judgeship in the Common Pleas in England, for the mere purpose of making him eligible as one of the four paid members of the Judicial Committee of the Privy Council, has been discussed *ad nauseam;* we do not, therefore, propose to add anything to what has already been said, so much better than we could say it, in the English law periodicals on this subject. It may be well, however, to record for future reference the admirable protest of the Lord Chief Justice of England against the high-handed act of Mr. Gladstone and his Chancellor, which was, in the words of Sir Alexander Cockburn, "at once a violation of the spirit of the Act of Parliament, and a degradation of the judicial office." And in connection with this proceeding, we may refer briefly to some other matters of a kindred nature.

The following is the text of the letter addressed on the 10th November, 1871, to Mr. Gladstone, by the Chief Justice:—

"Dear Mr. Gladstone,—

"It is universally believed that the appointment of Sir Robert Collier to the seat in the Court of Common Pleas, vacated by Mr. Justice Montagu Smith, has been made, not with a view to the discharge of the duties of a judge of that court, but simply to qualify the late Attorney-General for a seat in the Judicial Committee of the Privy Council, under the recent Act of the 34 & 35 Vict. c. 91.

"I feel warranted in assuming the general belief to which I have referred to be well founded, from the fact that the Lord Chancellor, with a view to contemplated changes in our judicial system, has, notwithstanding my earnest remonstrance, declined for the last two years to fill up the vacant judgeship in the Court of Queen's Bench. I cannot suppose that the Lord Chancellor would fill up the number of the judges of the Court of Common Pleas, while to the great inconvenience of the suitors and the public, the number of the judges of the Queen's Bench is kept incomplete.

"I assume, therefore, that the announcement in the public papers, which has so startled and astounded the legal profession, is true; and, this being so, I feel myself called upon, both as the