the appointment has been somewhat out of the usual course, there has been but one sentiment expressed both by the Bench, the Bar and the public, and that is one of entire approval. The selection is creditable to the Minister of Justice, and those who have advised him in the matter, and it is a fitting compliment to the profession, that one of the most honourable, upright, industrious, and learned of its members, should be chosen on his merits alone.

Mr. Osler is the eldest son of the Rev. Rural Dean Osler, now of Dundas, but for many years resident clergyman at Bond Head, in the County of Simcoe. He received his education, in part, at the excellent grammar school in Barrie, After leaving school, he entered the office of Patton, Bernard & Ardagh, where he was noted as a diligent and intelligent student, evincing that devotion to his profession, which has been a chief characteristic ever since. The writer, who was in the same office, well remembers the high opinion his masters, as well as his fellow-students, entertained for his studious industry and integrity of purpose. He subsequently came to Toronto, finishing his education in the office of the late Hon. John Hillyard Cameron. He was admitted as an Attorney in Michaelmas Term, 1859, and called to the Bar in Hilary Term, 1860. Mr. Osler was a Bencher of the Law Society, and was one of the most useful men in convocation.

When admitted to practice, he went into partnership with Hon. James Patton, who had then removed to Toronto. Mr. Thomas Moss, the present Chief Justice of the Court of Appeal, soon afterwards joined the firm, which was subsequently additionally strengthened by the late Chief Justice Harrison becoming the senior partner, in place of Mr. Patton. It is a circumstance worthy of record that all three members of the firm were within a few years raised to the Bench. There is another noticeable fact, that, for the first time, we believe, in Canada, a stuff gownsman has been appointed to the Superior Court Bench. This is not unknown in England, however, and there the result has been very satisfactory.

Mr. Osler, though his experience at Nisi Prius has not been very great, is known among his brethren as a most painstaking, well-grounded and thorough lawyer. We congratulate him upon his promotion, and predict for him a most useful judicial career.

COSTS WHEN A DEMURRABLE BILL GOES TO HEARING.

There is, apparently, some conflict between the later English and Canadian decisions upon the not unimportant question as to the awarding of costs in cases where a bill which might have been successfully demurred to has been answered instead, and is thereafter dismissed at the hearing. The general principle applicable to such matters is well expressed by the present Chancellor, in *McKinnon* v. *Anderson*, 18 Gr. 684: "Where there are two courses of procedure, one more expensive than the other, and the one that is the less expensive will serve the proper purposes of a party as well as that which is more expensive, and he yet chooses to take that course which is the more expensive, he is properly limited to the costs of that which is the less expensive." Indeed, in the earlier cases, the Court went beyond this equitable adjustment of costs, and deprived the defendant who failed to demur of all costs. Thus Jekyll, M.R., in *Tichburn* v. *Leigh*, 6 Vin. Abr. 365, pt. 14, laid it down that if a bill is brought for a matter properly determinable at law, the defendant ought to demur, and not suffer the cause to go