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## DIARY FOR MARCH.

1. Sat. .....St. David's Day.
2. Sun. .....*1st Sunday in Lent.*
4. Tues .....County Court (York) Sittings. Osler, J., appointed, 1879. Court of Appeal Sittings.
6. Thur.....Name of York changed to Toronto, 1834.
9. Sun. .....*2nd Sunday in Lent.*

*TORONTO, MAR.* 1, 1884.

WE publish in another place an article contributed to the *Albany Law Journal* by an old and valued friend of our own, R. Vashon Rogers, jr., on a subject of general interest. It is pleasant to know that the production of an inhabitant of this "hyperborean" region — a country which seemed to cause a cold shudder to our contemporary during the recent visit of Lord Coleridge—is allowed a place in its well-filled pages. We trust that our namesake will at least give us credit for unselfishness in not keeping the best things of their kind north of the equator to ourselves.

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IN *Wansley* v. *Smallwood* the Divisional Court of the Chancery Division recently determined that the hearing of a cause on further directions is not to be regarded as a trial of the action; and that no appeal lies from a judgment so pronounced to the Divisional Court, under rule 510. According to this decision the only forum to which an appeal from such judgments can be made is the Court of Appeal. Appeals from judgments pronounced on further directions, therefore, stand on the same footing as appeals from orders made by a judge in Court on appeals from a master's report, or upon a demurrer, and are governed by the rule laid down in *Re Galerno*, 46 U. C. R. 379; *Trude* v. *Phœnix*, 29 Gr. 426; *McTiernan* v. *Fraser*, 9 P. R. 247.

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THE announcement made by Rose, J., on February 20th, in reference to the application in *Lyon* v. *Wilson* for judgment under Rule 324, perhaps may be regarded as a settlement of the questions which have arisen as to the propriety of the order made by Osler, J., in *Kinloch* v. *Morton*, 9 P.R. 38, with reference to an applicant for speedy judgment under Rule 324, being allowed his judgment only on terms of sharing in respect to his execution *pari passu* with any other execution creditors placing writs in the sheriff's hands before the time at which the applicant would be entitled to issue executions, as in a judgment in default of appearance. This precedent has been followed in several subsequent applications for judgment under this rule, though some of the judges have refused to follow it. Notably in the case of *Bank of Commerce* v. *Willing & Co.*, it was recently followed by Wilson, C.J. The plaintiffs there subsequently sought to appeal from the order, so far as the above condition or proviso was concerned, to the Divisional Court, and urged that it was most inequitable that whereas the other execution creditors were not bound by the order and could execute for the full amount of their claims, they would have to content themselves with a ratable share of the assets in the sheriff's hands. The appeal was dismissed on the ground of want of jurisdiction to hear it. In connection with *Lyon* v. *Wilson*, however, Rose, J., has now announced that the judges, or some of them, had agreed henceforth to make