

# Canada Law Journal.

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## DIARY FOR SEPTEMBER.

2. Sat. Beauharnois, Governor of Canada 1726.
3. Sun. 13th Sunday after Trinity.
5. Tue. Court of Appeal sittings begin.
10. Sun. 14th Sunday after Trinity. Sebastopol taken 1855.
12. Tue. County Court sittings for York begin. Peter Russell President 1796.
13. Wed. Frontenac, Governor of Canada 1672. Quebec taken by the British under Wolfe 1759.

TORONTO, SEPT. 1, 1882.

WE publish in another column some portions of the report of the Select Committee of the English House of Commons on the subject of the law of distress. Our extract is taken from the *Times* of July 22nd. We also publish in this number an interesting letter by the well-known writer, Mr. Sheldon Amos, on the bombardment of Alexandria from the point of view of International law. It appeared in the *Times* for July 17th.

WE alluded, supra p. 229, to a case of *Ley v. Kidd*, then standing for judgment before the Divisional Court of the Chancery Division, as involving two interesting points, one as to the proper method of pleading title under the Judicature Act, and the other as to the respectivity of R. S. O. c. 109, sec. 2, an enactment also found in the Evidence Act. Judgment, however, has now been given in the case, and it is found to go off on other points, the above two questions remaining untouched.

WE have received from Winnipeg the prospectus of a new legal periodical, which is to be called the *Manitoba Law Journal*, and is designed to furnish a summary of the more important cases arising in the Manitoba

Court of Queen's Bench, and to promote the general interests of the profession in that province. The fact that no system of reports as yet exists in that otherwise highly favoured region, is of itself sufficient to justify such an undertaking; but apart from this consideration, we trust that the bar of Manitoba will recognize the great value to them of such a journal, and will duly reward the enterprise of its projectors. One of these, Mr. W. D. Ardagh, was in former years identified with the publication of this journal; and the other, Mr. R. Cassidy, acted for some time as law reporter of the *Toronto Mail*. We wish these gentlemen every success in their undertaking, in which they promise to persevere so long as it pays expenses. We trust that they may not have long to wait until they reap a more substantial harvest from their labours than the realization of such a modest anticipation.

THE United States Supreme Court have given a decision in the case of *Knickerbocker Ins. Co. v. Foley*, 13 Law Rep. 577; 11 Fed. R. 766, which at first sight appears a little startling. In taking out a policy of life insurance, the applicant had answered affirmatively the questions—"Are you a man of temperate habits?" "Have you always been so?" The Supreme Court held that this answer was not necessarily untrue, although the jury might find that he had had an attack of *delirium tremens*, resulting from an exceptional indulgence in drink prior to the issuance of the policy; for that his habits, "in the usual, ordinary and every day routine of life," might nevertheless be temperate. It seems going rather far to say that a man who professes to be of temperate habits, in the usual, ordinary and every day routine of life,