

## The Legal News.

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### NOTICE OF ACTION.

The decisions which have been rendered in this Province with reference to the notice of action to which public officers are entitled, have had to do for the most part with the persons who should receive notice. In the case of *Grant v. Beaudry*, in the present issue, the Court had occasion to decide some important questions relating to the form of the notice, and as the case was one of considerable prominence, and the effect of the decision was to extinguish the action, the subject received more ample investigation than it might otherwise have called for. Two fatal defects were found in the notice which had been served in the case before the Court; first, in specifying the grounds of action, the place where the injury was committed was not mentioned. Secondly, the residence of the plaintiff's attorneys was not mentioned. A reference to the decisions cited by the Court shows that the jurisprudence of England and of Ontario, as well as of this Province, has been uniform in requiring the place to be specified. The other point—information as to the residence of the plaintiff's attorney, is expressly required to be given by the article of the Code. It is true that attorneys practising before the Court are obliged to elect a domicile, or, in default, are held to have elected domicile at the prothonotary's office. But the terms of article 22 of the Code seem to have intended that public officers should not be left to this roundabout method of obtaining the information in question. The article of the Code is explicit, and the Court held that to satisfy it the notice itself should specify the place of residence of the attorney.

### MODERN ADVOCACY.

In a notice of the late Mr. Isaac Butt, Q.C., the *Law Times* refers to the change which has been taking place in the style of advocacy in Great Britain. "The class of advocates to which he belonged," it says, "is that of which Scarlett and Follett are prominent examples among

English barristers, having no very profound knowledge of law, but readiness in acquiring whatever is necessary for the case in hand, and facility in laying facts and arguments before Courts and juries. The glories of the profession of the law are perpetuated by men of this class, which, however, is unfortunately becoming more contracted as time goes on. The lawyer with the *omnium gatherum* of knowledge—Charles Sumner's ideal lawyer—is becoming rare, whilst the mastery of dry items and facts and argumentative reports is the characteristic of the modern barrister."

We have no doubt that one of the principal causes of the change alluded to, is the enormous pressure of cases before the Courts at the present day. In England there are some eight hundred causes in arrears before the Queen's Bench. In the United States the Supreme Court is in a still more unfortunate condition. The number of cases on the docket has increased to 1150, and the Court is now more than three years behind in its business. It is not wonderful that lawyers who rise to plead a case, with a keen realization of the fact that a thousand other cases are waiting to be heard, should confine themselves to what bears directly on their pretention, or that Courts, haunted by the vision of ever multiplying arrears, should be impatient of any display of brilliance which does not help them to get to the end of the case. Mr. Justice Miller, of the United States Supreme Court, referring to the late Benjamin R. Curtis, whom he styles "the first lawyer of America, of the past or the present time," considers his brevity a sterling merit. "He rarely found it necessary," says the Judge, "in an argument in the Supreme Court of the United States, to occupy over forty minutes, and I recollect only two cases in which he spoke beyond an hour."

### NEW PUBLICATIONS.

THE LAW OF HOTEL LIFE: or the Wrongs and Rights of Host and Guest. By R. Vashon Rogers, Jr., of Osgoode Hall, barrister-at-law. Boston: Houghton, Osgood & Co.

This little volume has been written by the accomplished author as a companion to "The Wrongs and Rights of a Traveller." It is a complete manual of the law relating to hotels