

DEATH OF THE CHANCELLOR.

DIARY FOR DECEMBER.

1. Wed. New Trial Day C. P. Clerk of every Municipality except County to return number of Resident rate-payers to Receiver General.
2. Thur. Re-hearing Term in Chancery commence.
3. Fri. New Trial Day, Queen's Bench.
5. SUN. 2nd Sunday in Advent.
6. Mon. Last day for notice of trial for County Courts.
12. SUN. 3rd Sunday in Advent.
14. Tues. General Sessions and County Court sittings in each County. Grammar and Common school Assessments payable. Collectors roll to be returned, unless time extended.
19. SUN. 4th Sunday in Advent.
20. Mon. Nominations of Mayors in towns, Aldermen, Reeves and Councillors, and Police Trustees.
24. Fri. Christmas Vacation in Chancery commence.
25. Sat. Christmas Day.
26. SUN. 1st Sunday after Christmas. St. Stephen.
27. Mon. St. John Evangelist.
27. Tues. Innocents Day.
19. Frid. School returns to be made. Last day on which remaining half G. S. fund payable. Deputy Registrar in Chancery to make returns and pay over fees.

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DEATH OF THE CHANCELLOR.

We again refer to this melancholy event which has deprived the country of such an able judge, and his friends and relatives of such a kind amiable companion. At the time when Mr. Van Koughnet was appointed to the Chancellorship of Upper Canada, in March, 1862, we took occasion (8 U. C. L. J., 85) to give a short sketch of his career up to that time, it is therefore unnecessary to repeat what may there be found.

Whilst at the Bar, Mr. Van Koughnet was remarkable for the quickness and keenness of his perceptive faculties, enabling him to ascertain the strong points of his own, and the weak ones of his adversary's case, with wonderful rapidity. In examining a witness he is said not to have had an equal. On the Bench, though very ingenuous and open to conviction, his mind was rapidly made up, and he much more generally than the other judges decided cases on the spot, not feeling in his own mind the necessity of further consideration of evidence of which his quickness enabled him at once to comprehend the full bearing. It was a pleasure to conduct cases before one so fair, courteous and considerate; and here we may remark, that the courtesy and patience of the Chancellor was not confined to himself, but is a pleasing attribute

of both of his learned brethren on the Equity Bench.

Upon his impartiality and uprightness as a judge we deem it unnecessary to dilate; the character of the Bench of Upper Canada in this respect has always stood so high, that it is sufficient to say, that he was the fitting chief of a court of "equity and good conscience."

He lent a helping to many reforms in the administration of the Court of Chancery, simplifying the procedure, and facilitating business, and was the author of the system of having the arguments of counsel immediately after the examination of the witnesses.

But, when speaking of him in his judicial capacity, we cannot do better than quote the words of Mr. Vice-Chancellor Mowat, who was holding circuit at Cobourg, when the news of the Chancellor's death arrived there:—

"As a judge, he was most conscientious; he had a profound love of justice, and an exalted sense of judicial duty. In the discharge of his office, he acted without fear, favor, or affection, if any judge ever did. He was from the first prompt in deciding, and that he was generally accurate as well as prompt is shown by the fact that his decrees were generally (I believe), as seldom appealed from successfully as those of any judge we ever had. He had long been suffering from ill-health, but he was never willing to allow us to relieve him from any of his work, and he often insisted on doing his full share when he was ill able to endure the fatigue which it occasioned him. He had completed his last circuit without assistance, but a few days before his sad death. A Conservative by birth, education, and party connections, in his court he was a Reformer. He did not a little to complete those ameliorations in the practice of the Court of Chancery, which were commenced under the auspices of his distinguished predecessor, Chancellor Blake,—of whose able services, ill health so soon deprived the country, but who, though ever since unable to take part in public duty, still lives, and will, I hope, long live to be a comfort to his family and friends. Chancellor Van Koughnet originated valuable reforms himself, and always listened with interest to those suggested by others. I believe that he was the author of the present practice of hearing the arguments at these Circuit Courts, and of disposing of the cases at once, wherever practicable, a practice by which business has been greatly expedited, the expense of suits much diminished, and a knowledge of the doctrines of