

Canada Law Journal.

VOL. XVIII.

SEPTEMBER 15, 1882.

No. 17.

DIARY FOR SEPTEMBER.

17. Sun. *15th Sunday after Trinity.* First U. C. Parliament met at Niagara, 1792.
19. Tue. President Garfield died, 1881.
20. Wed. Lord Sydenham, Gov.-Gen., died 1841.
24. Sun. *16th Sunday after Trinity.* Guy Carleton, Lieut-Governor, 1766.
30. Sat. Sir Isaac Brock, President, 1811.

TORONTO, SEPT. 15, 1882.

THE Benchers met in Convocation on the 8th inst., for the purpose of electing successors to Messrs. Stephen Richards, Q.C., and John Bell, Q.C., who have forfeited their seats through absence during four terms. Mr. Bell was re-elected; and Mr. Alexander Leith, Q.C., whose face it is a pleasure to see once more in Toronto, was substituted for Mr. Richards, this also being a case of re-election.

ACCORDING to the latest returns from Somerset House, no less than 12,914 solicitors have taken out their certificates in England for the purpose of practising during the present year. Of these 4,663 practice in London. When we read these figures it is not surprising to find, as the fact is, fully competent solicitors in England content to work for years as managing clerks for salaries of from \$700 to \$1,000 a year, only, perhaps, at the end to buy themselves into a firm at a premium of several thousand pounds.

AN interesting question of international law was raised and fully argued by counsel in the *Hall Extradition Case*, which came before the Divisional Court of the Chancery Division on the 9th inst., namely, as to the proper construction and operation of the Ashburton

Treaty, entered into in 1842 between the Government of Great Britain and that of the United States, with reference to the extradition of criminals for certain offences therein named. Counsel for the prisoner argued that if the crime with which he is charged would not have fallen within the term "forgery," as that term was understood in England and the United States in 1842, he should not be surrendered. Mr. Fenton, on the other hand, who appeared for the Crown and for the United States authorities, contended that though the act alleged against the prisoner might not be forgery as it was understood in England in 1842, yet if any subsequent Canadian Act had made it forgery the operation of the Treaty covered the case, and he should be surrendered. Judgment is reserved, and if the Court should decide that the offence charged constitutes "forgery" at common law, and as understood in 1842, it may not be necessary to deal with the above question at all.

THE Divisional Court of the Chancery Division gave judgment in the case of *Mc-Tiernan v. Fraser*, on the 9th inst., on a point of practice of much importance. The cause was heard before the Judicature Act came into operation, and a reference was made to the Master. Both parties appealed from the Master's report, and the matter having been referred into Court from Chambers, Proudfoot, J., gave judgment in June last, varying the report and referring the matter back to the Master. In August last, notice of appeal to the Divisional Court was served, but that Court has now decided that there is no such right of appeal, but that the parties must go to the Court of Appeal. The Chancellor, in delivering judgment, observed the policy of the