

CONCERNING VACATION—ADVERTISEMENTS FOR TENDERS.

peal part of section 52 of the Error and Appeal Act (C. S. U. C., cap., 13), as will appear from the schedule A appended to 37 Vict., cap. 7, Ont. But the part they attempt to deal with had already been deleted by 32 Vict., c. 24, sec. 7, Ont. Again in 37 Vict., c. 24, sec. 4, certain words are added to C. S. U. C., c. 49, sec. 85, (the act relating to Joint Stock Road Companies). But it appears that this section 85 was repealed and a new section (containing different provisions) substituted by 35 Vict., cap. 33, s. 1. This jumble makes it rather difficult to know what the law is. However, it is well-known that the business of the Courts is to find out what the Legislature means.

CONCERNING VACATION.

Business men in England are falling foul of the long vacation there, and agitating for its abolition. In this it is not desirable that they should succeed. The best interests both of the bench and the bar demand that there should be a time for rest and recuperation for the members of the hard-worked and brain-racked profession of the law. It may be that the long vacation in England is too long and should be somewhat shortened, but it would be most injudicious to do away with it altogether.

In this country a temporary release from work is all the more necessary on account of the exhausting heat of summer. And indeed the seasons would seem to have somewhat changed since the limits of the vacation in this Province were first fixed. We have heard it suggested that instead of having it from the 1st of July to the 21st of August, it would be better if it were to run from the 15th of July to the 15th of September. Two months would be none too long, and such a two months as are indicated would it is said, embrace that part of the hot weather, which is hardest to be borne—

that part namely in the beginning of September which now destroys all possible beneficial results of previous sojourns at sea-side and lake-side.

The large number of lawyers who have died from over-work, even under the present system, is quite enough to stay the hand of the most rigid reformer, before he sets about abolishing vacation. Among the many eminent names that might be mentioned we can recall those of Sir S. Romilly, Sir W. Follett, Sir John Rolt, Sir G. M. Giffard, Sir John Wickens and Mr. Justice Willes (one of the few judges who did not accept the honor of knighthood.) A prominent English periodical has aptly characterized the vacation as a period of relaxation not only necessary to the individual, but in the long run advantageous to the public.

ADVERTISEMENTS FOR TENDERS.

In these days of high rates in newspaper advertising, it pains the economic mind to see how wantonly architects and others throw away money by persisting in informing the contracting public that "*the lowest or any tender will not be necessarily accepted.*" These words are mere surplusage and do not avoid any liability supposed to be incurred by inviting tenders to be sent in. The point was expressly raised for decision in *Spencer v. Harding*, 39 L. J. C. P. N. S., 332, a case which arose out of a stock in trade that had been exposed for sale by tender. The time when all tenders would be received and opened was also stated. The plaintiff made a tender, which was alleged to be the highest, and brought an action because it was not accepted. The Court observed that there was no engagement in the advertisement to accept the highest bidder. There was nothing more than a public proclamation that the defendant desired to have