

Canada Law Journal.

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NO. 21.

DIARY FOR NOVEMBER.

16. Wed.. Wilson, J. Q. B., & Gwynne, J. C. P. 1868. Final
17. Thur.. Final Examination for Call. [Exam. for Attorney.
18. Fri.. Hagarty, C. J., sworn in C. J. of Q. B. Wilson, J.
[sworn in C. J. of C. P. 1878. Final Exam.
19. Sat..
20. Sun.. 23rd Sunday after Trinity.
21. Mon.. Michaelmas Term begins.
25. Fri.. Lord Lorne, Governor-General of Canada, 1878.
27. Sun.. Advent Sunday. Cameron, M. C., sworn in Q. B.
28. Mon. 1878.
30. Wed.. Moss, J. appointed C. J. of Appeal, 1877.

TORONTO, NOV. 15, 1881.

THE *Central Law Journal* has with commendable candour "taken back" some thoughtless remarks anent the prosecution of the wretched Guitteau, in which his guilt and the invalidity of his intended defence were taken for granted. Thanks partly to the views expressed by the leading legal periodicals in the United States, and partly to the fact that the country has had time to think the matter quietly over, there is every reason to believe the prisoner will have a fair trial. The way in which the bar, at least at first, refused to undertake his defence was far from creditable. In this also, should there be any necessity, a better feeling would now prevail.

It may be remembered that in the review of the Dominion Acts of last session, contained in our number for Oct. 15th, we called special attention to the fact that chap. 13 forms an exception to what Mr. Alpheus Todd states in his *Parliamentary Government in the British colonies* as to none of the Dominion Naturalization Acts containing provisions bearing on the "property and civil rights of aliens;" it having been hitherto considered that this falls within the exclusive

powers of the provincial legislatures under sec. 92 of the B. N. A. Act, although sec. 91 empowers the Dominion Parliament exclusively to legislate upon "naturalization and aliens." We publish in this number a communication which Mr. Todd has been kind enough to send us, commenting upon our observations with reference to the above subject.

A CORRESPONDENT, whose letter appears in another place, takes exception to the ruling of a County Judge who holds that the practice at Common Law should prevail rather than that in Chancery as to the examination of parties in County Court cases. We think the Judge was right. Sec. 17, sub-sec. 10 does not, it seems to us, apply to the case in point. The section is an enactment amending and declaring the law hereafter to be administered on certain matters therein set forth; the 10th sub-sec., therefore, refers to rules of law rather than to rules of practice. It may not always be easy to draw the line between "law" and "practice," but it seems sufficiently clear at least as to the subject under discussion that the section does not apply. There is no Common Law right to examine parties; the authority comes by statute, and the statute in point declares at what stage of the proceedings the examination may be had. This provision is made applicable to County Court cases, and without it there could be no examination at all.

De minimis non curat lex is a maxim which may possibly even yet have some meaning, but there are two points in connection with Osgoode Hall which, although some may