sion who had either the feelings of a gentleman or any sort of position or reputation to lose, would degrade himself by slandering or insulting those who must from the nature of the case submit to his insult or his slander without defence or reply. When such conduct does take place it is sure to provoke indignant rebukes from the Bench, and it is to these circumstances that we owe it that English courts of justice are not, in fact, regarded with the horror with which they assuredly would be regarded if the parties used to their utmost their legal right of raking up every incident in the past life of every witness and every lying scandal which has ever been circulated by any enemy with respect to them, and flinging the whole in their faces in the confidence that imputations which may happen to be true will inflict moral injury on the reputation of the witness, and that even if the imputation is utterly false some of the dirt can hardly fail to stick." We hope the passages which we have italicised will be duly conned and remembered. It is suggested that an absolute discretion should be given to a court to permit or forbid the putting of any particular question. We agree that in any case the permission of the Judge should be obtained before cross-examination to the credit of a witness is allowed at all. If a question is put and not allowed to be pressed the object of the cross-examination is in a measure attained. It ought, in all cases, to be a question for the Judge whether the evidence of a witness is of such a kind that his credibility ought to be attacked. A further suggestion made by the writer in our contemporary is that a witness should not be allowed to decline to answer on the ground that he will thereby criminate himself. This is a wide proposition which we shall not at present discuss.—*Law Times.*

The following incident in the life of Lord Kenyon is recorded in an account of his life recently published by a descendant of his. It is taken from a letter of Lord Erskine to Lord Howell, in 1821, relating to a judgment in the court of admiralty in a case of collision at sea:—

"I remember my excellent friend, the late Lord Kenyon, one of the best and ablest judges, and the soundest lawyer, in trying a cause at Guildhall, seemed disposed to leave it to the jury whether the party who suffered might not have saved himself by going on the wrong side of the road, when the witnesses swore that ample room was left. The answer to which is, the dangerous uncertainty of such an attempt, destructive of all the presumptions of conduct founded upon law. Observing that Lord Kenyon was entangled with this distinction, from his observations in the course of the evidence, I said to the jury, in stating *(sic)* the defendant's case :— 'Gentlemen,—If the noble and learned judge, in giving you hereafter his advice, shall depart from the only principle of safety (unless where collisions are selfish and malicious), and you shall act upon it, I can only say that I shall feel the same confidence in his lordship's general learning and justice, and shall continue to delight, as I always do, in attending his administration of justice; *but I pray God that I may never meet him on the road!*' Lord Kenyon laughed, and the jury along with him, and when he came to sum up he abandoned the distinction, saying to the jury that he believed it to be the best course *stare super antiquas vias.*"

CANADA REPORTS.

ONTARIO.

NOTES OF RECENT DECISIONS.

QUEEN'S BENCH.

Hilary Term, 1873.

Davis et al. v. McPherson.

Patents, construction of—Description of land—"N. W. ¼."

In 1857 a patent issued for the "North-Westerly quarter" of a two hundred-acre lot, the side-lines of which ran N. 45° W., and S. 45° E., and in 1859 another patent issued for the S. E. ¼ of the N. W. ¼ of the same lot. *Held*, that the first patent covered fifty acres, extending half the depth and half the width of the lot, and not fifty acres extending across the whole width and one fourth the depth. *Held*, also, the subsequent patent could not affect the first; for the question must be, what did the patent cover when issued? *Held*, also, that the