

Appeal allowed with costs, and trial judgment restored.

*S. S. Taylor, K.C.*, for appellant. *W. N. Tilley*, for respondents.

## Bench and Bar.

### OBITUARY

HON. JAMES MACLENNAN.

One of the great lawyers of his day, a learned and highly respected judge as well as a distinguished citizen and a most worthy man has passed away in the person of the Hon. James Maclennan, retired Justice of the Supreme Court of Canada.

We referred at some length to his life and career up to the time of his appointment to the Bench, ante vol. 24, p. 546. We would now refer to his career as a judge, recalling also some of the principal events of his life. Mr. Maclennan was born at Lancaster in the County of Glengarry, Ontario, on March 17, 1833, being the son of Roderick Maclennan, who came to Canada in 1795. In 1849 he took his degree of B.A. at Queen's University, Kingston. He was called to the Bar with honours in Mich. term, 1857. After a short residence in Hamilton he formed a partnership with Mr. Oliver Mowat, Q.C., and Mr. Downey, in the city of Toronto. In 1871 he was elected a Bencher of the Law Society of Upper Canada, and, up to the time of his promotion to the Bench, was one of its most active and useful members. He received silk from the Dominion Government in 1873 and from the Ontario Government in 1876.

When referring to his appointment to the Bench we gave our estimate of his character and legal attainments, and predicted that he would be a strong and able judge—an expectation that was amply verified. In this regard we cannot do better than reproduce a part of the article referred to: "The appointment is one of the best that could have been made. A man of the highest personal character, Mr. Maclennan is, as our judges should be, without fear and without reproach. He is a sound and able lawyer, has had long experience at the Bar, and a judicial mind with a large fund of common sense, and is thoroughly familiar with the business of the country and the instincts of the people; at the same time he has not lost his interests in art and general literature and few men at the Bar have read more of our English classics."

On the 27th of October, 1888, Mr. Maclennan was appointed