

trust reposed in them, and none, perhaps, more so than the late Chief Justice. He had that practical wisdom, in a large degree, which enabled him to measure justice rather than compare precedents. He was courteous, patient, candid, of the true judicial temperament; his dignity was that of simple modesty. In the words of an American contemporary, "he was the latest chief of a long line of public servants, who, for a century, have with singular purity, probity, and ability, administered the judicial branch of the Federal Government, and it is but bare justice to say that his character, public and private, will compare favourably with the best and ablest of that noble line."

WE wonder whether R. S. O., 1887, contains many such unexplained, and for all that appears unauthorized variations in the Acts consolidated as the following, which we have accidentally come across in the course of practice. The Dower Act of 1879, 42 Vict. c. 22, s. 5, provided as follows:—"In case of a suit for partition or administration or *any suit in which a partition or sale of land is ordered*, and in which the estate of any tenant in dower or tenant by the courtesy or for life is established, if the person entitled to such estate has been made a party to the proceedings, the court or judge shall determine whether such estate ought to be exempted from the sale or whether the same should be sold;" and then the section goes on to provide that the land may be sold and the estate and interest of such tenants in dower, etc., shall pass thereby, and a sum in gross out of the purchase money may be directed to be paid to the person entitled to dower, etc. Being about to proceed on the faith of this section in the case of an action on a mortgage on lands in which there was an outstanding estate in dower, proposing to ask for a sale and the setting apart of a sum in gross to provide for the dower, we took the precaution first to see how the section was consolidated. We find the only place where this portion of the section is consolidated is in R. S. O., 1887, c. 104, s. 49, being the Partition Act, and it thus appears: "In case of an action or proceeding for partition or administration in which a partition or sale of land is ordered and in which the estate of any tenant in dower or tenant by the courtesy or for life is established," etc., and then continues as in 42 Vict. c. 22. Nothing appears to show why the words in the original statute, "or any suit in which a partition or sale of land is ordered," were left out. Can it be that this was the work of some officious individual who hastily eliminated these words as surplusage, without thinking the matter out or foreseeing that he was taking away a substantial part of the enactment?

WE have seen an advance advertisement of a work to be published shortly on "The Lives of our Judges," by D. B. Read, Q.C. This work will, no doubt, commend itself to the Bar generally. Mr. Read's long connection with the Bar, and as a Bencher of the Law Society for twenty-nine years, well fits him for being the author of such a work. The prospectus which has been sent to the members of the Bar in a short form, delineates the scope of the work. There is