

be refunded by the client, but the court had no jurisdiction to exercise any personal jurisdiction over the solicitor to compel him to return it, he having been guilty of no misconduct, and not being amenable to the jurisdiction of the court.

The other case to which we refer is *Grey v. Manitoba & N. W. Ry.*, (1897) A. C. 254, where the Privy Council refused to hear argument upon, or consider certain questions which had not been raised either on the pleadings or evidence, and on which the court below had not adjudicated. Their lordships as to that point say: "They confine themselves to deciding the issues which the courts below were invited by the plaintiff to decide." Thus clearly intimating that the duty of a court of law is to decide the matters presented for adjudication, and not to pronounce judgment on other matters which the litigants have not thought fit to put in issue, or bring into controversy.

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OBITER DICTA.

Beyond the fact of his visit to this country with Lord Russell of Killowen a year or two ago, Sir Frank Lockwood, Q.C., was so widely known by reputation to the profession in Canada that the news of his untimely death in December was received with profound regret. His handsome presence and charming personality won upon everyone with whom he came in contact here, and he somewhat overshadowed Lord Russell in popularity with the Canadian people. Without being a great lawyer, his admirably balanced professional qualities gave him a standing not measurably behind the leaders of the English Bar. His chief forensic successes were obtained at nisi prius, a congenial sphere for the exercise of his nimble wit; and he leaves behind him many a *mot* and clever turn of advocacy to embalm his memory there. Sir Frank was also well known as a caricaturist, and his humorous drawings have served to while away many a tedious quarter-hour of Parliamentary debate and jury trial. Mr. Justice Darling is under obligation to him for the only real bits of humour in