

Prac.]

NOTES OF CANADIAN CASES—CORRESPONDENCE—ARTICLES OF INTEREST.

PRACTICE.

Mr. Dalton, Q.C.]

[April 30.]

DEMOREST V. MIDLAND RY. CO. ET AL.

Tender of money—Striking out defence—Judgment under Rule 322, O. J. A.

An action to recover money as compensation for land expropriated by defendants, and for other relief.

The defendants in their defence denied the cause of action, and also alleged *inter alia* that they had tendered the plaintiff the sum of \$400 and interest, but that the plaintiff had refused to accept it, and they expressed their readiness to pay the said sum, but they did not bring it or any sum into Court with their defence.

The plaintiff in his reply admitted the tender, but alleged that the sum tendered was wholly inadequate.

Upon a motion by the plaintiff to strike out "such portion of the defence as alleges a tender," or for judgment for the plaintiff for the amount which the defendants expressed their readiness to pay.

Held, that since the Ont. Jud. Act, a defence of tender without a payment into Court is good.

Upon the pleadings an order might be made under Rule 322 O. J. A., for judgment for the plaintiff for \$400 and interest, but only as a final decision of the action, and not with leave to proceed for a further amount.

Holman, for the plaintiff.

Hoyles, for the defendants.

CORRESPONDENCE.

OSGOODE HALL AND ITS MEMORIES.

SIR,—As a matter of historical interest it is to be hoped that the Law Society will be able to carry out the suggestion of His Honour the Lieutenant-Governor, and speedily complete the series of portraits of the Chief Justices of Upper Canada.

I think it is also worthy of consideration whether it would not be a wise application of some portion of the society's funds, if steps were also taken to form a collection of busts and statues of some of

the great English lawyers. A beginning might readily be made by obtaining copies of those to be found in the Normal School gallery; and I have little doubt the English Inns of Court would readily grant facilities for taking copies of any in their possession. Such a collection, if judiciously made, would add materially to the interest of a visit to Osgoode Hall.

The large blank spaces in the walls of the Courts of Q. B., C. P., and Chancery Divisions might also at some future time be appropriately utilized for several paintings of memorable scenes in the history of the law, *e.g.*, the signing of Magna Charta, the Committal of Prince Henry by Gascoigne, the Trial of the Seven Bishops, etc., etc. Let us hope we may soon have Canadian artists equal to the task, and a society able and willing to patronize them.

H.

ARTICLES OF INTEREST IN CONTEMPORARY JOURNALS.

Casual connection in joint crimes.—*Central L. J.*, Jan. 2.

Summary remedies in cases of railway discrimination.—*Ib.*, Jan. 9.

Necessity for proof of manual delivery of deeds when dispensed with.—*Ib.*, Jan. 16.

Precatory trusts.—*Ib.*, Jan. 23.

Who are fellow-servants in relation to the liability of master for acts of?—*Ib.*, Jan. 9, 30.

Rights of street car platform passengers.—*Ib.*, Feb. 6.

Liability of municipal corporations for objects in streets which frighten horses.—*Ib.*

Powers of bank cashiers.—*Ib.*, Feb. 13.

Verdicts—Their nature, characteristics and amendments.—*Ib.*, Feb. 20.

Want of knowledge as a defence in actions for negligence.—*Ib.*, Feb. 27.

Discharge of sureties by extension to principals.—*Ib.*, March 6.

A wife's liability as surety for her husband.—*Ib.*, March 13.

Right to recover taxes paid under mistake.—*Ib.*, March 20.

What constitutes a sufficient tender?—*Ib.*, March 27.

Rules as to the privileges of witnesses.—*Albany L. J.*, March 7, 28.

Common words and phrases (Household effects—Supplying heat—Body of water—Express business—Book—Approach to a bridge—Water course).—*Ib.*, March 14.