

# Canada Law Journal.

VOL. XVII.

JULY 15, 1881.

NO. 14.

## DIARY FOR JULY.

1. Fri... Long vacation begins. Dominion day.
3. Sun... 3rd Sunday after Trinity.
4. Mon... County Court Terms (except York) begin. Heir and Dev. sittings begin.
7. Thurs... Gen. Simcoe first Lieut.-Gov. of U. C., 1792.
8. Fri... Cyprus ceded to England, 1878.
8. Sat... County Court Term ends.
10. Sun... 4th Sunday after Trinity.
11. Mon... Canada invaded by U. S., 1812.
14. Thurs... W. P. Howland, first Lieut.-Gov. of Ontario, 1868.
15. Fri... Manitoba entered Confederation, 1870.
17. Sun... 5th Sunday after Trinity.
19. Tues... Heir and Devise sittings end.
20. Wed... British Columbia entered Confederation, 1871.
23. Sat... Union of Upper and Lower Canada, 1840.
24. Sun... 6th Sunday after Trinity. Canada discovered by Cartier, 1534.
25. Mon... Battle of Lundy's Lane, 1813.
26. Tue... Jews first admitted to Ho. of Commons, 1858. Dr Robitaille, Lieut.-Gov. of Quebec, 1879.
29. Fri... First Atlantic Telegraph laid, 1866.
30. Sat... Governm't of U. C. removed from Niagara to York, 1793.
31. Sun... 7th Sunday after Trinity.

TORONTO JULY 15, 1881.

THERE is no reason why editors of legal journals should not have some vacation as well as their brethren. Besides, the legal mind should on this occasion be feeding on "Maclennan" and "Taylor and Ewart." We propose, therefore, only to publish this journal during Vacation as circumstances may require.

THERE seems a disposition on the part of the authorities at Osgoode Hall, as well as the profession, more rigidly than heretofore to keep sacred the days devoted to the Long Vacation. One slight exception was in the delivery of judgments by the Court of Appeal. Though this was not satisfactory to some few counsel, it was probably otherwise to the successful suitor. It has been suggested, however, that the Court did not act unwisely, as it might have been thought dangerous for the judges to have carried about

in their persons so much condensed learning during the hot weather. In this view we must be grateful that there was a safe delivery early in the holidays.

THE judgments delivered on this occasion were, as a rule, enormously long, or, at least, they seemed to be so, perhaps owing to the frailty of human nature in being compelled to listen to them in the dog days. Some of the cases, however, were very important, notably the *cause celebre* of *McLaren v. Caldwell*, in which the Court fell foul of the recent decision of Vice-Chancellor Proudfoot. The judgment of the Chief Justice, whether right or wrong, struck the listener as being in the best style of that able jurist. The tendency seemed to be in the direction of a general upsetting of the judicial apple-carts of the Courts below. In *Trust and Loan Co. v. Laurason*, however, Mr. Justice Osler came to the rescue of the Queen's Bench, and in a vigorous judgment dissented from Burton, Patterson, and Morrison, JJ., as to the right of the plaintiffs to distrain as for rent against their mortgagee. "Hard cases make bad law," and it is by no means as clear to us as it was to the majority of the Court that the terms of the mortgage did not give the right contended for.

THE following is the order in Council, providing for the distribution of business at Osgoode Hall, under the Judicature Act:—

That Mr. Dalton shall be Master in Chambers, at a salary of \$3,000, and Mr. W. B. Heward and Mr. Arnoldi Clerks in Chambers.