

Canada Law Journal.

VOL. XIX.

SEPTEMBER 1, 1883.

No. 14.

DIARY FOR SEPTEMBER.

1. Sat. . . . Beauharnois, Governor of Canada, 1726.
2. Sun. . . . *Fifteenth Sunday after Trinity.*
4. Tue. . . . Court of Appeal Sittings begin.
8. Sat. . . . Trinity term ends.
9. Sun. . . . *Sixteenth Sunday after Trinity.*
10. Mon. . . . Sebastopol taken, 1855.
11. Tue. . . . County Court Sittings for York begin.
12. Wed. . . . Peter Russell, President, 1796.
13. Thurs. . . . Frontenac, Governor of Canada, 1672. Quebec taken by British under Wolf, 1759.

TORONTO, SEPT. 1, 1883.

WE publish in another column a paper over the signature of "R. W. Wilson," criticising some interesting articles by Mr. Frederick Harrison, on the English School of Jurisprudence, which appeared some years ago in the *Fortnightly Review*. We are glad at all times to encourage discussions on questions of abstract Jurisprudence, the tendency with us being, perhaps, to sacrifice a little too much the theoretical, or we might say, the less obviously practical, to the more obviously practical. While, therefore, we do not concede that Mr. Wilson has succeeded altogether in meeting Mr. Harrison's objections to Austin's definition of law, we welcome his article and hope it will provoke discussion. Mr. Wilson does not appear to us to have comprehended what Mr. Harrison meant by the sovereign power in a community. We take it that the ultimate sovereignty throughout the empire resides in the Crown and Parliament of Great Britain, and that it is entirely correct to say that within the range of *municipal law* there are no limits to the absolute powers of the sovereign, in the sense of the jurist.

WE regret to state that at the last moment Lord Coleridge has written to the secretaries of the Committee of arrangements to say that

he cannot come to Canada as he had hoped and intended, his engagements being such as to render his visit impossible. He adds, however, that Sir James Hannen and probably Lord Justice Bowen would be able to go to Toronto in October and would be glad to accept at the hands of our Bar the complimentary dinner which he was compelled to decline. He expressed great sorrow at having to forego a visit which he had looked forward to with so much pleasure. The Committee having been called together passed a resolution echoing the regret; but directing the secretaries to say to his Lordship that as the circuits would be in full swing in October, they did not see their way to tendering a dinner to Sir James Hannen and Lord Justice Bowen. We join our regrets at the course things have taken, as it deprives our Bar of the opportunity of showing our respect in the way intended to one who occupies so eminent a position as that of Lord Chief Justice of England. The thanks of the profession are due to the Committees who took so much trouble to perfect the necessary arrangements for the visit which His Lordship fixed for the 12th instant. We trust that when next a Chief Justice of England comes to this Continent he will not allow anything to stand in the way of his visiting one of the most important and not the least loyal portions of Her Majesty's Dominions.

IN *Monaghan v. Dobbins*, 18 C. L. J. 180, the learned Master in Chambers held that "the provisions of Rule 185 virtually superseded the practice prescribed by Chancery Order 266, and that in every case where it was required to obtain oral evidence in support of a motion in Chambers, an order for