

the decision of the Supreme Court of Nova Scotia in the case of *The King ex rel. Johnston v. Judge of County Court, etc.*, noted at p. 118 of the current volume. The conviction there referred to appears to have been made on October 21st, and the judges had to determine the apparently simple question in arithmetic as to whether the 21st of October was more than 14 days before the 5th of November following. Now, any ordinary school boy would at once, if he were fairly ready in mental arithmetic, remembering that October has 31 days, go through this process in his mind: From 21st to 31st is 10 days, and then to 5th November, 5 days more, or 15 days altogether. If, however, said boy could only reason by units he might adopt this process: The 4th of November is 1 day before the 5th, the 3rd, 2 days, the 2nd, 3 days, the 1st, 4 days, the 31st Oct., 5 days, and so on backwards till he would arrive at the same conclusion, viz., that the 21st of Oct. is 15 days before the 5th of Nov. Many decisions of our courts are calculated to make people believe that, as administered and interpreted in them, law is often directly opposed to common sense, but it has remained for the Supreme Court of New Brunswick to shew that, as interpreted by it, law is sometimes also opposed to common arithmetic and the plain meaning of ordinary English words.

Yours truly,
BARRISTER.

WINNIPEG, 28th April, 1908.

The Editor, THE CANADA LAW JOURNAL:

DEAR SIR,—

Your contributor of the article "Default in Contracts" at page 298 of your last number, has fallen into some errors as to the case of *Labelle v. O'Connor*. He stated that the court decided that where a purchaser makes default in a contract for the sale of land in which time has been of the essence of the contract, then he forfeits his deposit, but does not forfeit other payments which have been made on account of the purchase money. This question did not arise. Only the deposit had been paid and the court held that the deposit must be returned.

Yours truly,
H. D. GAMBLE.

TORONTO