

## LEGAL NOTES.

## DIARY FOR FEBRUARY.

1. Thur.. Last day for Co. Treas. to furnish to Clerks of Muns. in Co.'s list of lands liable to be sold for taxes. Exam. of Law Students for call to the bar with honors.
2. Fri... Exam. of Law Students for call to the bar.
3. Sat... Exam. of Artic. Cks. for certificates of fitness.
4. SUN.. *Sextagesima Sunday.*
5. Mon.. Hilary Term begins. Last day for Artic. Cks. going up for inter-exam. to file certificates.
7. Wed.. New Trial Day, Q.B. Last day for sett. down and giving notice of re-hearing in Chancery.
8. Thur.. New Trial Day, C.P. Inter-examinat'n of Law Students and Articled Clerks.
9. Fri... Paper Day, Q.B. New Trial Day, C.P.
10. Sat... Paper Day, C.P. New Trial Day, Q.B.
11. SUN.. *Quinquagesima Sunday.*
12. Mon.. Paper Day, Q.B. New Trial Day, C.P.
13. Tues.. *Shrove Tuesday.* P. D., C.P. N.T. Day, Q.B.
14. Wed.. *Ash Wednesday.* P. D., Q.B. N.T. Day, C.P.
15. Thur.. Paper Day, C.P. Open Day, Q.B. Re-hearing Term in Chancery commences.
16. Fri... New Trial Day, Q.B. Open Day, C.P.
17. Sat... Hilary Term ends. Open Day.
18. SUN.. *Quadragesima Sunday.*
25. SUN.. *2nd Sunday in Lent.*

THE

## Canada Law Journal.

FEBRUARY, 1872.

We devote much space in this number to the judgments delivered by six of the judges of the Court of Error and Appeal in the celebrated Goodhue case. The case will be re-argued before a fuller Bench on the 11th March, and further authorities will probably be cited *pro* and *con*. Our readers having now the judgments already given before them, will be able to form their own opinions as to the merits and law of the case. The result which we should most like to see would be the disallowance of the Act by the Governor-General. This, however, is not thought likely, and if not done, this extraordinary piece of legislation, which has caused so much litigation, will, in all probability (whichever way the Court of Appeal may decide), be ventilated in England, not, we apprehend, to the credit of those who were concerned in passing the Act.

We direct special attention to the judgment of Mr. Justice Gwynne, who has originated a new theory, viz.: that the act does not sufficiently show that the Legislature intended to affect the interests of the grandchildren. If he should prove correct in this view, which he supports by a most able and ingenious judgment, it will be a "facer" to the promoters of the bill; and the result would be sufficiently disappointing to those who have in other

respects engineered their own interests so successfully. The Chief Justice, who does not agree with Mr. Gwynne, deals with the subject in his own peculiarly incisive manner.

A question of precedence as between Crown Cases and civil suits in the order of their disposal by the Courts came up this term in the Common Pleas, in the case of *Reg. v. Gaines.*

It was contended by the counsel for the Crown in that case that Crown suits had precedence over any others on the paper. The Court having made enquiries from the Clerks of the Crown in both Courts, as to what the practice was in this respect, ruled that Crown cases had the precedence over other causes; the learned Chief Justice remarking that the Queen had a right to be heard in her own Courts, in her own suits before all otrs. We trust Her Majesty, being strong, will be merciful, and let her subjects have a fair share of the good things going in the way of justice.

The privileges belonging to the Queen, as representing the public, as distinct from individuals, have been many, and some of them harsh enough to the latter. That some of them are disappearing is not a matter of regret. The one under discussion is of no great moment in itself, though of some practical importance in the disposal of business.

It is well known of Sir John Patteson, that difficulty in hearing occasioned his retirement from the English Court of Queen's Bench. Knowing his own passion for law, and yet feeling that his deafness might impede the administration of justice, he obtained a promise from one of his most intimate friends to suggest to him the fit moment of retirement. The promise was faithfully kept, and when the suggestion was made, this most able judge at once retired from a profession which he had followed with the passion of an enthusiast. It seems to us, judging from the tone of the Quebec legal journals, that there is at least one judge in that province who, though late, might even yet profitably follow the great example of Mr. Justice Patteson.

We are indebted to our enterprising correspondent at Halifax, Mr. Meagher, (Blanchard and Meagher) for an important decision in Insolvency. Mr. Justice Ritchie seems to have followed the current of authority in England,