purposes will be answered by the service of copies upon the opposite party. It is extremely probable that Ontario will in due course follow the example of England in all measures which tend to simplify and assimilate the practice of law and equity.

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In *Erskine* v. *Deans*, the Master of the Rolls recently laid down a doctrine which will be somewhat startling to persons who own and rent farming land. The question arose upon the application of a tenant of a farm to recover compensation from the executors of his deceased landlord, for the loss of sheep alleged to be poisoned through browsing on yew trees growing on the demised premises. The Court held that the claimant was entitled to succeed, on the broad ground that as between landlord and tenant there is an implied warranty on the part of the former that the trees and shrubs which he plants or suffers to be on the land demised shall not be noxious or injurious to the tenant. One can hardly believe that this decision will be sustained, if appealed from.

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We have before advertised the merits of Mr. Justice Ludlow, who graces the Pennsylvania Bench, as an admirable specimen of a "highfalutin" Judge. His Honour has been lately indulging in some judicial grandiloquence upon the English Marriage Law of George II. c. 13, relating to the marriages of Papists and Protestants. We are not seeking to defend this law, but it well becomes any Judge of the Republic where the law of divorce legalizes adultery to talk fustian after this fashion:

"If this nation, in the strength of its manhood, is to be respected; if it has achieved the right to speak and to be heard, its policy upon this subject ought to be marked and understood: and it surely will entitle itself to the grateful consideration of the civilized world, if it emphatically declares that upon the subject of marriage, and especially its destruction, it will determine every case by its own enlightened principles of morals and of public policy, and upon the policy of universal toleration."

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An old friend has courteously handed us a copy of the judgment of the Judicial Committee of the Privy Council, in the case *The Town of Dundas* v. *The Hamilton and Milton Road Coy.*, delivered recently by Sir Barnes Peacock, Sir Montague Smith and Sir Robert P. Collier. Their Lordships concurred in the conclusions arrived at by the Court of Appeal, in several places quoting with approbation the language of the learned Chief Justice of that Court. The case in appeal is reported in 18 Grant 311. At p. 325, Chief Justice Draper says; "It, (the argument of the Road Company who built the obnoxious bridge), amounts to this—that, to abate a nuisance of omission in a place where it injures them, they may erect a nuisance in another place where it injures the party guilty of the first nuisance." Their Lordships thought he might have added "and where it injures the public who are not guilty of the nuisance intended to be abated". This point however, though not referred to in this place was not overlooked by the Chief Justice, for he says, on the next page, "I presume it will not be seriously contended that a fixed bridge which would prevent masted vessels, sloops, schooners &c., from navigating this canal would not be indictable as a nuisance."

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## *LAW SOCIETY.*

### Easter Term, 1873.

The examinations for Call to the Bar resulted as follows:

Out of a maximum of 600 marks, Mr. Geo. A. Mackenzie obtained 451, and passed without an oral examination. The following were passed after an oral: