

Canada Law Journal.

VOL. XXI.

NOVEMBER 15, 1885.

No. 20.

DIARY FOR NOVEMBER.

15. Sun.....25th Sunday after Trinity.
16. Mon.....Michaelmas Sittings, Ch. Div. H.C.J., begin.
Wilson, J., Q.B., and Gwynne, J., C.P., 1868.
18. Wed.....Hagarty, C.J., Q.B.; Wilson, J., C.P., 1878.
19. Thur.....Princess Royal born, 1840.
22. Sun.....25th Sunday after Trinity.
25. Wed.....Lord Lorne, Gov.-General of Canada, 1878.
27. Fri.....Cameron, J., Q.B., 1878.
29. Sun.....Advent Sunday.
30. Mon.....Moss, J., appointed C.J. of Appeal, 1877.

TORONTO, NOVEMBER 15, 1885.

OUR attention has been drawn to some observations in a public journal taking exception to the speech of Mr. Senator Gowan on the Franchise Bill, and charging us, anent our comment thereon, with violating the principles on which a law periodical is generally conducted. We may remark *en passant* that the political press on both sides is always very indignant when the legal press finds occasion, in the discharge of its duty to the profession, to say anything which may incidentally tread on any of their pet political corns. The fact that we are quoted approvingly, or the reverse, turn about, by both parties, is the best proof that as to party politics we editorially know nothing and care less.

As to the case in point it was stated in certain newspapers, and either said or insinuated in Parliament, that members of the Bar would be found ready tools, willing to place honour, conscience and manhood in the background, and lend themselves to the Chief Minister of the Crown to carry out alleged nefarious designs on his part. This was the effect of what was animadverted upon in the speech of "the Senator from Barrie"—a barrister, by the

way, of nearly fifty years standing, and one who for very many years graced the Bench of his country. In his place in Parliament he repudiated any such insinuations against the profession, and bore testimony to the honourable character of the Bar of his Province. What more natural and proper than that he should so speak, and that we, as an organ of the profession that was slandered, should reproduce his testimony? We see no inconsistency or violation of principles involved in upholding the honour of the profession. It would be a very inconsistent violation of our principles if we did not do so.

IN *Laird v. Briggs*, 19 Chy. D. 22, Fry, J., held that the word "reversioner" in the Imperial Prescription Act, 2 & 3 W. IV. c. 71, s. 8 (R. S. O. c. 108, s. 41), includes a "remainderman," and that consequently the latter, as well as a reversioner, is entitled to the additional period provided by that section within which to resist the claim of a person to an easement by prescription. This case was appealed and was disposed of on other grounds, all the Judges of Appeal, however, being careful to say that they did not desire to be understood as assenting to the construction Fry, J., had placed on the section above referred to. In the recent case of *Symons v. Leaker*, 53 L. T. N. S. 227, the point has come up again squarely for consideration. In that case (which was one for trespass) a right of way was claimed by the defendant over a certain field. This right had been exercised from 1828 to 1884, but during all this time the servient tenement had been in possession of a tenant for life, expectant on whose estate