

hoped that all occasion for such checks will have disappeared.

Changes in procedure have the disadvantage of setting aside rules which have involved much judicial labor in their interpretation and application to the business before the Courts. Almost every article in the Code of Procedure has now been discussed, and given birth to one or more decisions in the Practice Court, and a number have even been examined in appeal. It is evident, moreover, that some of the rules proposed would lead to considerable uncertainty, for a great deal is left to the discretion of the judge.

THE LATE CHIEF JUSTICE COCKBURN.

A telegram from England states that Sir A. J. E. Cockburn, Lord Chief Justice of England, died on the 21st instant, in the 78th year of his age. His illness had been intimated in a previous despatch, and death appears to have followed at a few days' interval. This is the third prominent English judge who has been removed by death within a very brief period—first, Lord Chief Baron Kelly, then Lord Justice Thesiger followed, and now, most eminent of all, the Lord Chief Justice of the Queen's Bench. It is remarkable that all these judges died in harness as it were, all being in office at the time of their decease.

The career of Sir Alexander Cockburn has been a brilliant one. He was a student at Trinity College, Cambridge, and graduated with high honors. He chose the Western Circuit, and was appointed Q.C. in 1841. Among the celebrated causes in which he was concerned was the prosecution of Palmer, the poisoner. In 1850 he became Solicitor-General, and the following year was made Attorney-General. In 1856 he was elevated to the Bench, being appointed to the office of Chief Justice of the Common Pleas. Three years later he succeeded the late Lord Campbell as Lord Chief Justice of England, a position which he continued to fill until his decease. During this long career on the bench, he presided in several most important cases, among which may be noticed the trial of General Nelson and Lieut. Brand, prosecuted by the Jamaica Defence Committee, and the extraordinary trial of the Tichborne claimant in

1873-4. He was also appointed arbitrator on the part of Great Britain in the settlement of the Alabama claims under the Washington Treaty, a task in which his lordship displayed ability of a very high order, and added greatly to his reputation. Sir Alexander was the author of several pamphlets. It was reported a few years ago that he contemplated a work on the authorship of the letters of "Junius," and only a few weeks ago he appeared in *The Nineteenth Century* as the contributor of a paper on "The Chase—its History and Laws." His judgments have always commanded great respect, and the bench by his removal loses one of its very ablest members.

JUDICIAL APPOINTMENTS.—Mr. A. R. Angers, Q.C., has been appointed a judge of the Superior Court, in the place of the Hon. J. N. Bossé, resigned. Mr. William McDougall, Q.C., has also been raised to the bench, in the room of Mr. Justice Maguire, deceased.

NOTES OF CASES.

COURT OF QUEEN'S BENCH.

MONTREAL, NOV. 12, 1880.

Sir A. A. DORION, C.J., MONK, RAMSAY, CROSS, JJ., BABY, A. J.
ROBERT dit NAMUR, appellant, and THE TRUST & LOAN Co., respondent.

Security in Appeal.

This was a petition by respondent to have the security rejected, and new security ordered within a specific delay; and in default that the appeal be dismissed with costs.

PER CURIAM. The appellant, not being able to find qualified security for her appeal, made over a certain property hypothecated to the amount of \$10,000 in favour of the respondent,—the very property in question in the present suit—by a deed in which it is stipulated that they will neither sell nor mortgage the property during the suit, and that they will return it to her if she pays the judgment. One of the sureties swears these properties are worth from \$15,000 to \$17,000. They pretended to buy them for \$12,000 from appellant. In the Cor-