

them by the conditions of the shipping contract. They then tendered to the consignee grain of the same grade as that received by them from the plaintiff, which the consignee refused to accept. The shipping contract showed that a distinction was made between grain consigned to and that not consigned to the defendants' elevator. Held, that the defendants under their conditions had only the right to warehouse in their elevator grain shipped thereto, and not grain shipped to another specific address, and that the plaintiff was entitled to recover the damages sustained by the non-delivery of the specific grain shipped by him.—*Leader v. Northern Railway Co.*, Common Pleas, Ontario, June, 1883.

*Discharging water from building upon street—Formation of ice thereon—Negligence—Liability of proprietor.*—The defendants were the owners of a building erected on the limit of the street. A pipe connected with the eave-troughs, conducted the water which collected on the roof down the side of the building, and, by means of a spout projecting over the sidewalk, discharged it upon the sidewalk; and in the winter this water was formed into a ridge of ice, upon which the female plaintiff slipped and fell while walking on the street, and injured herself. The jury found that the defendants did not know of the accumulation of ice, and that they ought not reasonably to have known of it. Held, that the defendants were not liable. Hagarty, C. J., said the carrying of the water to the sidewalk was a harmless act; the action of the weather was the proximate cause of the accident, and the defendants, not having knowingly allowed ice to accumulate, are not responsible. Armour, J. who dissented, remarked that the conducting of the water to the sidewalk was a wrongful act, and the formation of ice on the sidewalk in winter was the natural, certain, and well-known result of the defendants' act, and they should be held responsible for the accident.—*Skellon v. Thompson*, Queen's Bench, Ontario, June, 1883.

#### GENERAL NOTES.

The bar of Ontario have made active preparations for the entertainment of the Lord Chief Justice of England. The dinner is to take place at Toronto, September 12th.

The last appointments of Queen's Counsel have

caused some consternation in Ontario. The *Canadian Law Times* appends to the list the note "Acts, ii. 12." As the reference is to a work not usually found in lawyers' libraries, we supply the text: "And they were all amazed, and were in doubt, saying one to another, What meaneth this?"

An English solicitor not long ago committed the indiscretion of bringing an action against his own client on a bill given for a loan of money which he had procured for her, through the contrivance of paying the bill himself and then endorsing it to one of his clerks and using the name of another solicitor, an intimate friend of his, in bringing suit on the bill in the name of his clerk; he himself appearing for her as her solicitor, assenting to judgment, and then collecting his costs of her. He was tried in a criminal court and convicted of obtaining money under false pretences, and sentenced to six months' imprisonment. He was also stricken from the roll. He subsequently applied, in the Queen's Bench Division, before Grove and Mathew, J.J., to be reinstated, on a showing that he had since his liberation, supported himself honestly and shown himself trustworthy. The application was supported by the Attorney-General and opposed by counsel on behalf of the Incorporated Law Society. The learned judges refused to reinstate him. The *American Law Review*, St. Louis, remarks on this: "In Missouri the Incorporated Law Society would not have been allowed the privilege of being heard by counsel; the applicant would have been reinstated upon an *ex parte* fixed-up petition, signed by bankers, merchants, lawyers, politicians, and newspaper publishers. The petitioners would then have given him a banquet, or rather he would have given a banquet to them, and the judges would have gone a-fishing with him."

Mr. Justice Alleyn, resident Judge of the Superior Court in Rimouski, died rather suddenly on the 16th instant. The following notice of the deceased is from *Le Quotidien*:—"M. le juge Alleyn avait fait son cours d'études au séminaire de Québec, où il se distingua par sa conduite comme par ses talents. Après avoir étudié le droit à l'université Laval, il fut admis au barreau en 1859 et nommé conseiller de la Reine quelques années plus tard. Il avait agi pendant plusieurs années comme avocat de la Couronne à la cour du Banc de la Reine, et fut nommé en 1875 à la charge de professeur de droit criminel à l'université Laval. L'année suivante, il se présenta contre M. Murphy dans Québec-ouest et fut élu député à la Chambre d'assemblée par quarante-deux voix de majorité. En 1881, la charge de juge de la cour supérieure pour le district de Rimouski étant devenue vacante par la mort de l'honorable juge Maguire, le parlement fédéral choisit M. Alleyn pour le remplacer. C'est alors qu'il abandonna le commandement du huitième bataillon de Québec. Le défunt avait aussi représenté le quartier Champlain au conseil de ville, et occupé plusieurs charges dans différentes sociétés. Le juge Alleyn était universellement estimé et sa mort sera longtemps regrettée. Il était âgé de quarante-huit ans seulement; c'était le fils de l'ancien capitaine Alleyn et le frère du shérif de Québec. En premières noces, M. Alleyn avait épousé mademoiselle Lindsay, et en deuxième noces, mademoiselle Déléry, qui lui survit."