

## The Legal News.

VOL. VII. JULY 12, 1884. No. 28.

### BOWKER FERTILIZER CO. & CAMERON.

Our correspondent "E. B." draws an inference from our brief note on this case which the words do not justify. We did not intend to offer, and we did not offer, any criticism upon the ruling in appeal, save this, that the practice which had been followed for some years in the Superior Court, tended to greater expedition. For the rest, the Court of Appeal was called upon for the first time to interpret a portion of the Code of Procedure, and, of course, it was in no way bound by the rulings of the lower Courts. Moreover, it is of comparatively small importance in what manner a question of this kind is decided, so long as it is finally settled, and the profession have an authoritative ruling to guide them.

No one has questioned the policy of requiring security to be given: the only point was whether the law required the demand to be made within four days. If it did, it would not be a hard law. If a defendant is compelled to appear within one day, there would be no hardship in requiring him to ask for security within four days.

The question of exacting security from resident plaintiffs is a different one, and we must say that we sympathize to some extent with the remarks of our correspondent on this subject.

### THE VACATION.

The long vacation commenced July 10. By an Act passed at Quebec during the last session, but which is not yet in force, the summer vacation will in future begin July 1, and extend to August 31 inclusive. It is also enacted that the Courts shall not be obliged to sit between December 20 and January 15, or between August 31 and September 10.

These intermissions are extremely beneficial to hardworked professional men, for though business of certain kinds proceeds, and has to be attended to throughout the year, yet the members of firms are enabled to divide the vacation between them, and to obtain in turn the total change so much desired, by flight to other scenes. Although life in our northern metropolis is not at the high pressure of more excitable cities, yet the following remarks from the *American Law Review* are applicable here:—

"Overwork is the bane of the time. Professional men and business men alike wreck themselves by excessive, unremitting toil. Hence, so many shattered nerves, early and sudden deaths, and disabled brains. So well recognized is this that we assume our readers, whether busy or not, weary or not, are already planning for a vacation. They owe this to themselves, their dependents, and their clients. It is a mistake, almost always, to say one cannot afford a vacation. The opposite is more nearly true. If one craves the gayeties of Saratoga, or of the seaside watering places, and can afford it, very well; though, to our notion, nature, and not society, is to be preferred by him whose brain needs rest, and whose nerves need quiet. In any event every one should for weeks, and, if possible, months, of this summer, quit the city and town for the pure air of the country. Go somewhere away from business and care and away from study. Do this, whether well or ill. It will help the strong to remain strong, the feeble to regain what they have lost."

The *Law Review* proceeds to speak of the places to which members of the profession may betake themselves. On this point we shall only say that if any of our contemporaries or brethren of that ilk chance to visit this "fringe of the Arctic zone" in the course of their holiday rambles, it will be a great pleasure to us to see them, and that we may usually be found at our office throughout the vacation between the hours of noon and five p.m.

### SECURITY FOR COSTS.

To the Editor of the LEGAL NEWS:

SIR,—The impression left by your remarks in connection with the decision of the Court of Appeals in the case of *Bowker Fertilizer Co. & Cameron* is that you look upon that decision as a step backwards. In this, if I may be permitted to say so, you fail to appreciate the real bearings of the question. To reason as if a demand for security for costs were to be unfavorably treated, as most preliminary