

The case of *Walker v. Gurney-Tilden Co.* (post p. 536) applies old law to circumstances which are the outcome of modern commerce. The defendants held a policy in a guarantee company which indemnified the former against claims for compensation for personal injury caused to persons in their employment, one of the conditions of the policy being that if any legal proceedings should be taken to enforce a claim, as was done in this case, the guarantee company should, at their own cost, carry on the defence in the name, and on behalf of the employer. The defendants, through the solicitors of the guarantee company, defended the action, and were successful. The taxing officer allowed them their costs as against the plaintiff. Meredith, C.J., however, held that as there was no liability on the part of the defendants to these solicitors, the costs could not be recovered against the plaintiff. Probably contracts could be so worded as to get over a difficulty of this nature. However this may be, solicitors who have clients who indulge in the luxury of guarantee companies will not grieve much over the decision, which seems to be unassailable.

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A Divisional Court has decided that the Court may (even in a case where no necessity exists beyond the convenience of the judge and jury) lawfully sit and give judgment on Good Friday, or any other day appointed by statute to be observed as a holiday, except Sunday; see ante, p. 444, *Foster v. Toronto Street Ry. Co.* This is to be regretted, as it will, of course, now, be open to any judge, who is in a hurry to get home, to press counsel to go on with cases on days which are appointed by statute to be observed as holidays, and which counsel may have arranged to devote to other purposes. It would have been a better rule to lay down that holidays appointed by the legislature to be observed, shall be observed by the Court, and that only in cases of real necessity, and not for the personal convenience of judges or juries, shall a sitting of the Court take place on such days. The legislature has placed Sunday in exactly the same category as the other days named as public holidays; but the Court has discovered that by the common law, based on some ecclesiastical canons, the authority of which half the community repudiates, that day has acquired the sole and exclusive right to be dies non juridicus. The introduction of religious and ecclesiastical reasons for the legal obser-