

# Canada Law Journal.

VOL. XVII.

NOVEMBER 1, 1881.

No. 20.

## DIARY FOR NOVEMBER.

1. Tu... Harrison, C. J., died. Second Intermediate Exam
2. Wed... Second Intermediate Examination.
3. Thur... Draper, C. J., died 1877. First Intermediate Exam.
4. Fri... First Intermediate Examination.
5. Sat... Sir. J. Colborne, Lieut.-Governor, U. C., 1838.
6. Sun... 21st Sunday after Trinity.
8. Tu... Primary Examination. Court of Appeal sittings begin.
9. Wed... Primary Examination.
10. Thur... Primary Examination. University Men.
13. Sun... 22nd Sunday after Trinity.
16. Wed... Wilson, J. Q. B., & Gwynne, J. C. P. 1868. Final
17. Thur... Final Examination for Call. [Exam. for Attorney.
18. Fri... Hagarty, C. J., sworn in C. J. of Q. B. Wilson, J. [sworn in C. J. of C. P. 1878. Final Exam.
19. Sat...
20. Sun... 23rd Sunday after Trinity.
21. Mon... Michaelmas Term begins.
25. Fri... Lord Lorne, Governor-General of Canada, 1878.
27. Sun... Advent Sunday. Cameron, C. J., sworn in Q. B. [1878.
28. Mon...
30. Wed... Moss. appointed C. J. of Appeal, 1877.

TORONTO, NOV. 1, 1881.

WE have much pleasure in calling the special attention of our readers to an article in this issue, contributed by Mr. Alpheus Todd, C. M. G., the learned author of the well known works on Parliamentary Government in England and the Colonies, upon the subject of the proper constitutional method of dealing with complaints against the Judiciary. In addition to its intrinsic merit, the article will be read with especial interest in the light of recent events in Manitoba.

The *Law Journal* (Eng.) reproduces, in one of its latest numbers, an interesting and kindly letter recently written by Lord Justice Bramwell to the author of an article in the *Central Law Journal* of St. Louis, who sustained the view expressed by him in *Osborne v. Gillett*, 42 Law J. R., Exch. 53. In that case the learned Baron (as he was then) held that an action was maintainable

by a father for negligence, whereby "the plaintiff's daughter and servant" was killed. Kelly, C. B., and Pigott, B., on the other hand, held that the maxim *actio personalis moritur cum persona* applied. A copy of the article was sent to the Lord Justice, who acknowledged it by the letter in question, in which he enclosed a photograph of himself in his judicial wig and robes. The letter was as follows, and well deserves to be placed on record:—

Dear Sir,—I am much obliged to you for the number of the *Central Law Journal*. I have read your article with great interest. I am glad to see that on your side of the Atlantic the law is dealt with on higher considerations than profit and loss. I am somewhat ashamed to think that you, for mere love of our science, have brought more research and learning to bear on the question you discuss, than I did when it was before me as a matter of duty. I am prone to decide cases on principle, and when I think I have got the right one (I hope it is not presumption), like the Caliph Omar, I think authorities wrong or needless. However, it is gratifying to be confirmed by them, as you confirm my opinion in *Osborne v. Gillett*. I am also very much gratified by the kind and flattering way in which you speak of me. Perhaps the reason you know me in America as well as you do, is the length of time I have been on the bench—twenty-five and a half years—longer than any one else now living by about four years; so that I have had the time to be more chronicled than any one else, and I suppose I have made an average use of it. I can assure you I am very glad to have the good opinion of lawyers on your side of the water—none the less that they are young. I may, without vanity, say that all the "young ones" at our bar consider me their particular friend. I was in your city in 1853 only one night, during a long vacation ramble; but for the twenty-five and a half years, and about forty-eight more, I would pay