described himself as an hotel-keeper, leased two rooms of one of the houses for a restaurant, at the rate of $400 a year. The premises were totally unfit for the object for which he took them; they were in "very poor condition." He undertook to make all the repairs. He conducted his restaurant on temperance principles. His capital was $50, and perhaps $100 of furniture. After a year's occupancy, he collapsed, and could only pay $250. He says it was all owing to the pavement. Perhaps it would not be difficult to suggest other reasons for Mr. Jordan's failure.

Mr. Larocque says he knows the appellant leased her property lower since the widening of the street than before. This is not conclusive, as an old rule teaches.

Mr. Lamothe tells us of the leases he passed in 1870 and 1871, but he says nothing for the time before that, and no other witness has told us any more about it. All we know is derived from the appellant's own statements in answers to interrogatories, and that is not evidence for her. It is, therefore, hardly necessary to examine it; but it may be said that even if it were evidence, it would not make out her case. It comes to this, that up to 1870, that is till after the change referred to, she had had the "best class of tenants," the Grand Trunk Railway Company and the Government, and that from them she had received higher rents than she received after they gave up the premises, leaving them in very bad condition, as Mr. Jordan tells us. But between May, 1870, and the relaying of the pavement the rent of the property evidently increased, for in 1872 the large house was leased at $500 a year till May, 1873, and $600 for the following year.

I therefore think the appellant has failed to make out any damage from loss of rent owing to the change of level of the footpath, and that her action was properly dismissed, and I would dismiss this appeal with costs. The judgment will be based on motives different from those given in the judgment appealed from. The appeal No. 58 must be dismissed for a similar reason, but we do not decide that Lady Lafontaine's action was barred by the arrangement with the Corporation, if her right had existed in fact.

JETTÉ, J., concurred in the judgment, but was of opinion, on the question of damages, that there was evidence which might have justified the Court in allowing some damages. However, he did not think it expedient to enter a dissent on this point.

BABY, J., agreed with the opinion expressed by Mr. Justice Jetté as to the proof of damages. On the question of law he concurred in the opinion of Mr. Justice Ramsay.

DOHERTY, J., made some observations upon the question of damages. There was no legal proof of damages under the head of loss of rent, and that was the only thing to which the appellant had reserved her right.

MONK, J., also concurred in the judgment, and in Mr. Justice Ramsay's appreciation of the law.

Judgment confirmed in both cases.

Barnard & Monk, for Appellant.

R. Roy, Q. C., for Respondents.

GENERAL NOTES.

A young lawyer of more extensive legal information than Biblical lore, was engaged in the prosecution of a criminal case. The prisoner proved a good character previous to the commission of the offence. The zealous advocate sought to break the force of this proof. He asked an older member of the bar to give him some anecdote which would forcibly illustrate the idea, that although a party might enjoy a good character, he might, at the same time, be a great villain. The old lawyer, knowing his young legal friend's ignorance of scriptural incidents, told him of Judas Iscariot, who, whilst he enjoyed the confidence of his companions, basely betrayed for a small sum of silver the most confiding and affectionate of friends. The young attorney enthusiastically remarked: "By Jove! that's good, and fits my case; where did you get it?"

The following is an extract from a lecture by Chief Justice Horton, of Kansas: "An Ohio judge was a fatalist, and used to determine perplexing cases by chance. An Indiana judge once had a number of cases to pass upon, and he gave decision turn about for plaintiff and defendant, declaring afterward that they were the best decisions he ever made, as every one of them was sustained by the Supreme Court. General Bela M. Hughes told an anecdote of David R. Atchison, who was a Senator from Missouri and Vice-President of the United States. He was a district judge in Missouri before he was a Senator, and was holding a term of Court in a frontier county. The lawyer for the plaintiff quoted Blackstone. The opposing counsel, in reply, said that he was astonished that his learned brother should quote from an English law-book, written by an Englishnobleman, in an American court of justice—a book written by a man who had kissed the bloody hand of George III. At the close of his speech, Judge Atchison declared that he was surprised at such a proceeding in his court. He gave judgment for the defendant, and declared that if the attorney for the plaintiff ever again read in his hearing a book written by a red-coated Tory he would fine him for contempt."