

tain to pay myself. Surely, on every principle of justice and equity, he has a right to say this. If the forms of proceedings in the Common Law Courts stand in the way, no such difficulties exist here. And is a man to be mocked at and robbed merely because he cannot issue an execution against himself? I am afraid this view of the respondent's rights has not engaged the attention of those members of the Bench who, not familiar with the doctrines of Courts of Equity, propose now to overrule the opinions of four Judges of that Court."

Following the Chancellor's judgment the report goes on to say: "Spragge, V.C., read a judgment dissenting from the views of the majority of the Court, which has since been mislaid or

lost. If found at a future time it will be printed." As there does not appear to be any further report of the case, it is safe to assume that the judgment which was "lost, stolen, strayed or mislaid" has not yet turned up. At the conclusion of the report the following note appears:

"Note.—Morrison, J., was not present at the argument of this case. His name was erroneously inserted as being one of the Judges before whom the appeal was argued."

The report of the case occupies about 50 pages of the Reports. Over 100 authorities are referred to. Most of the leading counsel of the day appeared in the case. Amongst others, Mr. Strong, Q.C., now Sir Henry Strong, Chief Justice of the Supreme Court of Canada.

LEGAL MAXIMS.

For the convenience of the profession we have procured what we think to be a very complete collection of legal maxims, and we print them hereunder in the original Latin, with a translation in each case. From what we are able to observe, a lawyer is likely to get rusty on his classics, just like any ordinary person, and we think that these maxims, so often used in practice, and so often used by the Bench in written judgments, in the alphabetically arranged form that we present them, will be found very handy and often save much labour to the practitioner.

1. *Accessorium non ducit, sed sequitur, suum principale.* (The accessory does not lead, but follows its principal.)

2. *Acta extiora indicant interiora secreta.* (Overt acts proclaim a man's intentions and motives.)

3. *Actio personalis moritur cum persona.* (A personal right of action ceases at death.)

4. *Actus Dei nomini facit injuriam.* (The act of God does injury to no man.)

5. *Benigne faciende sunt interpretationes propter simplicitatem laicorum, ut res magis valeat quam pereat.* (Instrument ought to be construed leniently, with allowance made for the ignorance of people who are not lawyers, so that the transaction may be supported and not rendered nugatory.)

6. *Caveat emptor.* (The buyer must look after himself.)